RIGHT OF TEMPLE-ENTRY

BY

P. CHIDAMBARAM PILLAI

B. A., B. L., M. L. A. (TRAVANCORE)

NAGERCOIL.

PUBLISHED BY THE AUTHOR.

PRINTED AT THE ALEXANDRA PRESS

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"It appears to be a mine of useful information on the subject which is today engaging the attention of all India."

—Changanachery, K. Parameswaran Pillai
B. A., & B. L., M. L. A.,
Retired High Court Judge, Travancore.

Dedicated to the memory of

the late Comrade

E. V. R. NAGAMMAL

of Erode who worked heart and soul

along with her husband

Comrade

E. V. RAMASWAMY

for the betterment of the down-trodden masses.

An Appreciation.

Mr. P. Chidambaram B. A. B. L. one of the pillars of the Self-respect Movement has sent his book "Right of Temple Entry," for our perusal. It consists of about 300 pages.

With the author of the book, his attainments in law, and his scholarship etc., as the whole of Tamil Nadu and especially our comrades are fully acquainted there is no necessity to make any lengthy introduction. We have not the slightest hesitation in saying that this remarkable book will be the means of introducing the author and his research, in yet fuller measure, not merely throughout Tamil Nadu but throughout the whole of India.

The earliar chapters in the book appeared in "Revolt" the weekly English journal which was then published by us. Much new matter also has been added. At the request of several friends and scholars it has been now published in book form by the author.

The book ought to prove an intellectual feast to the English-knowing public. Each chapter contains in a nutshell as it were, many important and thought-provoking things. From beginning to end, it is interesting and instructive.

....

It may appear to us self-respectors who are indifferent to temples, that the efforts taken by the author in this direction are sheer waste of time. But no arrogant Caste Hindu, no Brahmin lawyer,

The writer was not able to get at a copy of the Despatch of 1841 of the Board of Directors in England to the East India Company and the connected proceedings by which the British Government came to give up its control over Hindu temples. But a very good idea of what led to such divestment can be had from the extract taken from "A History of Missions in India" by Julius Richter D. D., (*Indische Missione-geschichte*) and quoted as Appendix A, at the end of this volume. It merely confirms the present writer's inferences dealt at length in the body of this book.

My thanks are due to all my friends who have assisted me in various ways to bring out this book, especially to Mr. M. D. Daniel B. A, the Proprietor of the Alexandra Press, Nagercoil, for correcting the proofs, which proved something of a nuisance to the writer with his inexperience in these matters and with his moffusil professional practice.

The temples situated on the West Coast have to be viewed from a slightly different angle even though some general observations contained in this book might be applicable to them also.

The writer hopes to cure some defects and many errors which are found in the book in a future edition.

Right of Temple-entry.

CHAPTER I.

General.

Every Hindu, be he a touchable or untouchable, be he within the caste or outside it, has the undoubted privilege of entering every public temple and worshipping the idol of God in such a way as not to disturb others similarly engaged. The last is the only restriction. The law allows it and there is no law otherwise. He who says that the law is not like that does not know it

The lawyer is most often said to be, not merely a conservative person, but also, an unreasonable person. Even though it may not be quite correct to say that the lawyer is an unreasonable person, his law undoubtedly is. The lawyer lives by his law, as the witch-doctor by his magic.

The glorious thing about law is its uncertainty. In addition to it law is also illogical and unreasonable. As these articles are mainly intended for laymen who might be frightened out of their wits by the lawyer citing a beadroll of judicial decesions which might be alleged to have set at rest all questions for all time to come, it is as well to begin by pointing out what a judicial decision is and what effect it has on any public question. "A case" said Lord Halsbury, a former Lord Chancellor of England "is only an autho-

rity for what it actually decides I entirely deny that it can be quoted for a proposition that may seem to follow logically from it. Such a mode of reasoning assumes that the law is necessarily a logical code, *whereas every lawyer must acknowledge that the law is not always logical at all*". This has been the refuge and in some cases the last resort of perplexed and much-worried Judges. When investigation of law proves a very troublesome affair, as it often is or when individual sentiment rules the situation, the law is not logical at all, by no means, and every lawyer knows it.

With this in mind, let us see what justifiable legal grounds there exist for refusing enty into public temples to the so-called un-touchables and depressed classes who are all admittedly Hindus and to whom Hindu Law is being administered.

One of the commonest bogeys trotted out by the lawyer for the benefit of the layman is the bogey of "immemorial usage" which in work-a-day professional or non-technical language very often means "the convenient memory of prejudice or perjury".

For one thing, the lawyer will tell you, when he is in the right mood, that in the case of a public temple, as in the case of a public road, there is never any legal or judicial necessity to inquire what the *usage*, memorial or immemorial was. If it is public, any investigation as to why or how it became public is within the province of the historian and never that

of the lawyer or the Judge who is always ill-equiped to start on such an ardous undertaking

No doubt distinguished Judges sometimes say that from the "usage" of the temple one may infer what was really "intended" or what is technically known as the "intention of the founder". Or to use complicated judicial language: "A rule of determination is looked for in the case of such institutions in their usage; because it is an index to the intention of those who have founded and endowed them and since then kept them up"

That may be true enough, if at all, in the case of caste or village temples, but not in the case of public temples. Supposing Smartha Brahmins, by themselves, as a caste, are known to have founded a temple of their own in the dim past, and if, for any reason, it becomes subsequently necessary to ascertain "the intention of the founder", you may perhaps, in a measure make out what it would have been like *then* from what it was like *through the passing years* and from what it is like *now*. That is in consonance with common sense and one can understand it. But we must know who exactly the "founder" was before we start gathering his "intention".—To put it shortly, there can be no investigation of any "intention" and consequently of any "usage" in a case where you do not know who the "founder" himself was. Supposing you find today Smartha Brahmins and Caste Hindu Non-Brahmins celebrating it in what, for instance, is very definitely known to have once been a Jain temple

and founded by a Jain prince of the South, any amount of evidence of intermediate "immemorial usage" or of "present usage" will not lead any Judge whatever be his caste, colour or creed, or however high or however far, he might be, to the right conclusion. That is to say, from finding anything as to the antecedents of whoever is "keeping up" a Hindu public temple to-day, you cannot use it for finding as to who the "founder" of that Public temple was—as in the case of the temple at Nagercoil which gives the name to the town of that name.

Till 250 years back, the present Hindu Temple at Nagercoil was the "most important Jaina temple in Travancore" dedicated to Naga Raja. Subsequent to that, the temple "seems to have become definitely Hindu in its nature and worship" as the Government Archeologist remarks.

"There were till lately two Jaina houses situated to the South of the temple belonging to the Sthanikas. They might perhaps be the remnants of a large colony of Jainas which might once have existed in Nagercoil. The male members of the two houses referred to above having died, the other members of these houses left the place and went away to where they had their relatives. Their houses had recently been assumed by the Government and new houses erected in their stead which are set apart for the residence of the officiating Potti priests of the Nagaraja Temple".

That place which was once a Jain Colony-Jains are casteless-is now a Brahmin Colony and during the

Armstice Day Celebration in 1918 a Procession which attempted to go along the street occupied by that Brahmin Colony, was prevented by the Brahmins, on the ground that in that Procession, there were also untouchables. A quarter once occupied by Jains!

"At present" writes the the Government Archeologist, the Jain temple at Chitaral in Travancore "is worshipped by the Hindus which they believe to be the temple of Bhagavathi and a Tamil Brahmana is doing the pooja". This temple seems to have been sufficiently famous in earlier times so as to attract Jainas from such distant places as South Arcot District and from the Tanjore District".

As regards Nagercoil temple the Hindu worshippers have not quite made up their minds whether the Jain Divinity within is a God or a Goddess; whether it is to be Nagaramman or Nagarajar.

Therefore in the case of a public temple about the foundation of which you know nothing definite: by whom it was founded; when it was founded; what was the religious persuasion or faith or caste, if any, of the founder; whether he himself has left any indication of his intention; whether he was a prince or a peasant even; whether in founding it, he as a king, spent public funds or as a commoner, spent caste or village funds, well, in the absence of anything contemporaneous to establish all or any of these things, common sense tells us that any investigation into "immemorial usage" is just judicial nonsense. And that is the established law as well, because evidence

of subsequent conduct is always meaningless to prove a past intention. No doubt there has been some wriggling out of this well-established legal position on some rare occasions, but we as laymen, are not concerned with it here.

This much, therefore, can be safely laid down, that as regards an ancient Hindu public temple about the foundation of which you know absolutely nothing post-mortem evidence of "immemorial usage" has no say in the matter.

Then how is it that this "immemorial usage' superstition still prevails in legal circles, is admitted as against law and accepted by all and sundry and even by eminent Judges? It is purely from a dis-inclination for the exertion involved in an historical or a legal investigation of the whole question or from incapacity to do it or from racial or religious sentiment or through sheer ignorance.

Therefore I say, with considerable respect but equal assurance that to every ancient Hindu public temple, let alone every Indian, at any rate, every Hindu-caste or out-caste, touchable or untouchable-has got the right of entry for worship. For my position is the historically sound and the religiously sensible one, though it may appear extreme to some orthodox fossils, that even a Muslim, a Christian, an Arya Samajist, a Budhist, or a Jain, any one of any persuasion or class from anywhere, is entitled to worship in such a temple, if he feels so inclined, for, such

according to me, was or must have been the intention of the noble founders of these hoary Hindu Temples.

CHAPTER II.

Judicial Logic.

It is admitted, though, no doubt, for a limited purpose, by no less a person than Mr. P. R. Ganapathy Iyer of the Dharma Rakshana Sabha of Madras, and the learned textwriter on "Religious endowments" that Hindu Temples are "cosmopolitan". To use his own words "Unlike Christian places of worship and English Churches, which are mostly parochial chapels in which parishioners alone can claim as of right to worship, while it appears also their duty to attend, *temples of Hindus are like their religion more cosmopolitan*". No doubt, the learned gentleman concluded a bit lamely, out of tune with the high sounding word "Cosmopolitan" employed by him. "Prima facie" said the Cosmopolitan lawyer "all Hindus belonging to *the four castes without exception* are entitled as of right to worship in Hindu temples." That is Cosmopolitanism with a vengeance! More about this, later.

Hindu temples are, according to the late Sir. T. Muthuswamy Iyer, the first Indian Judge of the High Court of Madras, "religious institutions founded, endowed and maintained for the benefit of those sections of the Hindu community who conform to certain recognized usages as those of the castes for

whose benefit the temples are by immemorial usage dedicated as places of worship." It looks a bit involved and it is apparently difficult to make out what the learned Judge means by it. He is clearer when he says, in another place "Hindu temples were neither founded nor are kept up for the benefit of Mahomedans, outcastes and others who are outside the scope of it."

Before we proceed to examine this observation, let us know something about him as a Judge.

"It used to be said" writes an admirer of his, in a law publication "that when Sir. T. Muthuswamy Iyer confirmed any death sentence, he would make *prayaschittam* on going home. In a criminal case he had to impose a fine of Rupees 200/- on his spiritual Guru. The Judge on going home wrote an apologetic letter to the Guru enclosing the Rupees 200/-. Such was his conception of his duty as a pious Hindu, a conscientious Judge and devoted disciple."

"Wigmore refers to a case in Henry IV's time where the Judge allowed a prisoner to be convicted on the evidence but got a pardon for him from the king because the Judge knew of his personal knowledge that the accused was not guilty. "This shows" says Sadasiva Iyer J. in a later Madras case" "the absurd lengths to which the doctrine of not using personal knowledge in coming to a conclusion in the case could be carried and why it is there is some agitation now in this country for village panchayats to be constituted as Judges so that they might use

their own knowledge of the case and the character of witnessess to come to conclusion on facts—but a Judge must be allowed to use even his knowledge of concrete private facts, provided he mentions his knowledge to the parties and they do not object to his deciding his case"...

In having to administer law, according to justice, equity and good conscience, this eminent Brahmin Judge of the High Court of Madras, Muthuswamy Iyer J. felt on those occasions when upon his decision the fate of a human being was settled that he had transgressed his religious commandments, and freed himself from the sin of it according to his notions of the Hindu religion. It will now become apparent how he must have had peculiar notions about his Judgeship and his religion.

Well, to come back to Justice Muthuswamy Iyer's dictum that Hindu temples were not founded for the benefit of the outcaste and others, I beg to demur. For one thing, there is no foundation for such a weighty dictum. I may willingly admit the proposition to be true in the case of a temple proved to have been founded by Smartha Brahmins for I can very well understand the narrowness of vision, the insularity of that religious faith, the basic implication of the Aryan caste system, the pretentions of the Dravida Brahmin, the deification of the Aryan Gods, the singing of the vedic hymns and so on and so forth, which would have characterised such a foundation by such people. Veda Patasalas and Brahmin Widows' Homes maintained out of public funds, are

even today, shining examples of the generosity of the Cosmopolitan Brahmin.

But such a proposition can never be true and can never be accepted, in the case of public temples which were founded and have been in existence, long long before Smarthaism and even Brahminism, as such, appeared in South India; which were founded when Budhist and Jain temples and monasteries crowded the length and breadth of the country; when each of these religions must have been competing with one another in securing converts to its own faith; when the rulers who founded these temples were themselves changing their religion every other minute, from Saivism to Jainism; from Jainism to Buddhism and back again as it pleased them, when toleration and religious freedom were the order of the day; when caste was unknown in South India or being ushered in slowly and stealthily; when these temples were dedicated not to Aryan-Gods but to 'Rakshasa and Asura Dravidian Gods'; when Vedic Hymns ought not be sung within the *sanctum sanctorum*; when to have even admitted the Brahmin within the holy of holies would have brought disaster to the King and country; and what is much the most important thing of all, when the revenues from these public temples went to fill the king's coffers and not the Brahmins' bellies; to apply in the case of such public temples, this dictum of the learned Brahmin Judge would be— I respectfully submit—it would be monstrously unfair.

"It has been argued" writes an eminent Indian Judge in 1929 "that temples have been endowed for

the benefit of the higher classes and it is not just or legal to deprive those castes of the exclusive rights enjoyed by them in the course of ages. There is reason to think however that the extremes of caste exclusiveness now prevalent have come into existence only in recent times. *It very rarely happens that Brahmis endowed any temples.* The vast majority of such institutions in South India must have been brought into existence by gifts from Sudra chieftains or princes or contributions from the Sudras generally. A heavy percentage of the offerings made at the time of festivals and poojas in the temples is even now contributed by classes who are now treated as outside the pale of temple worship. The funds so contributed were probably carefully husbanded and temple buildings erected therewith and walls enclosing them stronger than forts, put up, for the purpose of keeping out the very people who contributed most to the erection of the temples...........The original temple was thus probably in most cases a Sudra temple, There may be exceptions here and there to this custom. *It may have occured now and then that a wealthy Brahmin erected a temple and endowed it.* But in ninety-nine out of hundred cases it was undoubtedly the fact that both the funds for erection and subsequent endowments were contributed by people, the majority of whom are at the present day, either rigorously excluded from the precincts of the temple altogether or allowed to go only as far as the Second Prakaram from the Moolasthanam".

CHAPTER III.

In the days of Chanakya.

Every old temple in India was founded by the rulers of the country with a view to get a handsome return in the shape of offerings from the worshippers. There was no spiritual attribute about such foundations; no salvation behind it. It was simple financial statecraft; as simple as the policy of taxing the drunkard to carry on the administration of the country—a policy older than Manu's.

Lut us go to our old Brahmin friend, Chanakya-otherwise known as Kautilya-who lived now more than two thousand two hundred years ago. "Kautilya is renowned not only as a King-maker, but also for being the greatest Indian exponent of the art of Government, the duties of kings, ministers and officials and the methods of diplomacy". Kautilya's Arthasastra was prior in point of time to the Smritis of Manu and Yagnyavalkya, the law which is now so considerately administered to all and sundry under the appellation of Mitakshara.

Whatever opinions might be had about the "methods of diplomacy" enunciated by Chanakya, there is no disputing the fact that the first great known historical Brahmin was terribly honest about it—as the following passages from his Arthasastra will show.

"The superintendent of religious institutions may collect in one place the various kinds of property of

the Gods of the fortified cities and country parts and *carry away the property to the king's treasury*".

"Or having on some night set up a God or an altar or having opened a sacred place of ascetics or having pointed out an evil omen, the king may collect subsistence under the pretence of holding processions and congregations (to avert calamities)".

We now come to more delightful methods for making money for "the king's subsistence"

A false panic must first of all be created in the city; "an evil spirit has appeared on a tree." Within the tree, the King has to arrange for hiding one of his men who must be making 'all sorts of devilish noises'; of course, the people must be made to see that "the evil spirit" must be pacified and allowed to depart in peace before dire calamity overtakes the city; there are the king's men, spies disguised as ascetics who collect the money and do the trick. The "evil spirit" departs and the money goes to the King's treasury. The King's officers in those days must have had a hard time of it in collecting revenues for the King.

The case of the serpent trick is still more interesting and that is known to exist even today, in a modified form, in one temple at least. One can now see the several uses to which the "sacred water" of a temple might have been put in Chanakya's days. That "sacred water" was only used when persons "who are not by nature credulous" appeared; it has to be then, "doctored". But all these stratagems, it must

be remembered, were employed in a noble cause; the king's cause. And not like to-day when the same or similar strategems are constantly and variously employed to eke out a miserable existence for others

"There is no trick" wrote the learned Abbe Dubois a century ago "which the Brahmins will not employ in order to excite the fervour of the worshippers and thus to enrich themselves by their congregations to avert calamities".

To continue Chanakya; "Or else he shall proclaim the arrival of Gods, by pointing out to the people any of the sacred trees in the King's garden, which has produced untimely flowers and fruits."

"Or by causing a false panic owing to the arrival of an evil spirit on a tree in the city, wherein a man is hidden making all sorts of devilish noises, the king's spies under the guise of ascetics, may collect money with a view to propitiate the evil spirit and send it back".

"Or spies may call upon spectators to see a serpent with numberless heads in a well connected with a subterranean passage and collect fees from them for the sight. Or they may place in a bore-hole made in the body of an image of a serpent or in a hole in the corner of a temple or in the hollow of an anthill, a cobra, which is, by diet, rendered unconscious and call upon credulous spectators to see it, on payment of a certain amount of fee. As to persons who are not by nature credulous, spies may sprinkle over or give a drink of, such *sacred* water as is mixed with aneasthetic ingredients and attribute their

insensibility to the curse of Gods. Or by causing an outcaste person to be bitten by a Cobra, spies may collect revenue under the pretext of undertaking remedial measures against ominous phenomena".

The offerings to the Gods must reach the King's treasury; Gods and altars will have to be brought into existence in a single night and processions and festivals will have to be arranged purely for collecting money for the king -- for his subsistence; for his bare living. Gods must be made to appear for getting in the offerings. "The most obvious means generally produce the best result. In the foremost rank we must place the oracles, a rich mine of wealth which pagan priests of other countries worked long ago with great success and which the lapse of ages has not yet exhausted for the heathen priests of India. Here it is the idol itself which addresses the dull of profoundly attentive crowd of worshippers, *who are unable to understand that some cunning rogue concealed inside or close by the God of stone, is speaking through the mouth of the idol*" More of such tricks, even now existent, have been graphically described by the Frenchman— the Abbe Dubois. That is by the way.

To come to Chanakya. Now one can understand why if a single pie out of the temple revenue failed to reach the King's treasury, "the superintendent of religious institutions" in Chanakya's days would have been hanged high and dry.

And very properly too. "Idols and altars in those days were a hard business proposition. Money,

publiic money, King's money, was spent upon manufacturing these idols and altars and religious institutions, running them and 'boosting' them. These were looked upon as "productive works" by the old rulers just like the Metur project and the Sukkur Barrage.

In those days, the old Indian princes who founded these "religious institutions", had to maintain huge armies; surrounded by enemies on all sides they had to carry on incessant warfare. That meant resources and money, plenty of it. Those wars had to be paid for. Feeding the Brahmin alone out of the temple revenues would have spelt the disappearance of King and temple together. They knew—the old kings who founded these temples and these altars and these idols—that it was a hard job to make both ends meet. Just as our Ministers today say that total "prohibition" would mean, for instance, total stoppage of secondary and higher education in the land, our old rulers knew and had to be alive every moment to the fact that upon a careful husbanding of these revenues, the safety of their kingdoms and their very lives depended. Those were strenuous days for the Maha Rajhas. Their thoughts centred upon the here and now and not upon the hereafter. It is only nowadays when most of our Rajhas are either absentee landlords or have not the worries of responsibility, that they think of satisfying the Brahmin first and booking their passages to Heaven and salvation or Paris and Monte-Carlo.

Mr. K. M. Panikkar in his book "Indian States and the Government of India" writes thus:-

"The only thing we have to note in connection with the degraded luxury and the meaningless pomp of many Indian courts is that such a result is inevitable when there is no sense of direct responsibility in the princes. In olden times a despot who oppressed his subjects or a debauchee who looked only to his pleasure was not left long undisturbed. Either an outside invasion or an internal rebellion put an end to his career But the British Government now supports the ruler as long as he is loyal to his agreement and does not too openly violate civilized conventions. The ruler is left free in such a case to do whatever he pleases with his treasury and to fleece his subjects to any extent for the sake of his pleasures".

Mr. Panikkar also quotes the observations of Sir Thomas Munro:— "The usual remedy of bad Government in India is a quiet revolution in the palace or a violent one by rebellion. But the presence of the British force cuts off every chance of remedy by supporting the prince on the throne against any foreign and domestic enemy. It renders him indolent by teaching him to trust to strangers for his security, cruel and avaricious by showing him that he has nothing to fear from the hatred of his subjects."

What has been stated till now will be enough to show that the king just wanted money from the temples. Who gave the money to him, who worshipped in his temple or who drank his liquor, made no difference to him—it may be a Chandala, a Sudra, a Vysia a Kshatrya or a Brahmin. The more money the Chandala gave, the merrier the King was. The King

would have given even "special benefit performances" with his idols and altars and serpents, for the Chandala, if only money was forthcoming. If it reached his ears that a Varmashramite it was, that was standing in the way of legitimate revenue reaching his coffers because a Sanatanist was preventing a Chandala from entering his temple or worshipping his idol or cobra or tree, that man would have been strung up the nearest tallest tree out of hand.

That is to say, the ancient Hindu public temples were so much sources of public revenue to the King that if anyone—"a believing Hindu"—had even suggested that this, that or the other man cannot, on any pretext whatever, enter a temple or worship an idol he would have been instantaneously pinned down for high treason.

The history of the origin of these temples very clearly shows that it was and must have been the avowed policy of the rulers to encourage everyone from the Chandala to the Brahmin to go and worship and "contribute his mite". There was no exception made, even in the case of the Brahmin. That is to say, everyone would have been actually compelled to go and worship and pay for it to the King.

CHAPTER IV.

Temples and Drinking Saloons were State Institutions.

Temples were State institutions; "public property" in the best sense of the term. Now-a-days caste

Hindu lawyers use the word "Public" with reference to temples with their tongues in their cheeks. "*Prima Facie* all Hindus belonging to the *four castes without exception* are entitled as of right to worship in Hindu temples". It must be remembered that Brahmins had no hand in setting up idols and temples. Maxmuller says:—"The religion of the Vedas knows of no idols. The worship of idols in India is a secondary formation, a later degradation of the more primitive worship of ideal Gods."

Mr. J. C. Ghosh in his Tagore Law Lecture says:- "When the people were engaged in the performance of Yajnas and Satras, the necessity for the setting up of temples and images was not felt. Brahmins alone could be Agnihotris. When the other castes became influential, they wanted Gods for their worship. The wane of the influence of the Brahmins and the unpopularity of the worship of fire led to the worship of images which might have been borrowed from the aboriginal tribes and from the foreign invaders of India in ancient times. The setting up of images of Buddha and the Bodhisatwas and of Chaityas and stupas also probably made the setting up of images of Hindu Gods and Hindu temples more general, in imitation of the Buddhists."

Justice Sadasiva Iyer, in the Panakudy temple case said:—"Though image worship was thus recommended and laid open to all castes (by the Shastras) it was clearly recognized as not the highest form of worship. The appropriate mode of worship for the

Brahmins was held to be through the media of the fire and the sun."

In another case, the same learned Judge observed:- "Idol worship itself was established in the beginning for communal purposes according to the Sastras. Buddhistic influence had much to do with the development of idol worship in India. Buddhist temples arose in connection with stupas over the relics of the Lord Buddha intended to be publicly worshipped.' "That worship of idols is also intended for the masses is clear" observed the same judge.

"The Hindu temples," Mr. Ghosh continues, "succeeded the Buddhist temples and the Hindu monasteries and religious institutions succeeded the Buddhist *Viharas*. Endowments in all cases were considered religious even when made for congregations of ascetics or for the relief of man or beast. These were all religious endowments and were all *public*. The Kings also made large endowments and maintained them. Generous merchants and noblemen also made such endowments, on the revival of Hinduism. Kings and wealthy men built great temples for the Gods which were *places of public worship*. Side by side with these great temples, people began to have their special household gods and to dedicate property for the maintenance of their worship. These endowments were *private*.'

These altars, idols and temples came into existence at the behest of others than Brahmins; they were originally intended for the masses, including

aborgines: there was no discrimination, no distinction, intended as between caste and outcaste; touchables and untouchables. That is what history tells us. And also, temple worship was encouraged by the old rulers, because it was a fruitful source of revenue for them. And temple worship was made attractive by the introduction of dancing and music.

"With the establishment of images and temples, dedications of land for their maintenance became necessary. Not only were lands dedicated but slave women were also attached to many ancient temples *showing the spirit which led to image worship in India.* Every temple even now is supposed to have its dancing hall or Nata Mandir." Thus writes the Bengali lawyer.

Brahmins, it seems, were even *outcasted* if they went and *worshipped* in temples. That is historically and Vedically true. "We should know," says Mr. Ghosh, "that dedication for the Gods meant dedication for the maintenance of the worshipping Brahmins *who because they so worshipped* were called *devalas* and *were all but outcastes* among Brahmins, a fact showing the *not very reputable origin and character* of such worship and worshippers, the maintenance of servants, female slaves, "dancing girls and muscians and providing for the articles of worship."

In those ancient days, as even today, temples were places of variety entertainment and were so designed by the rulers. Therefore, there need be

nothing historically shocking in the remarks of Mahatma Gandhi that "there are many temples in our midst in this country which are no better than brothels." Historically, they were so intended by the founders

At any rate, in the days of Chan:kya about 300 B. C. the King made very little distinction between "religious institutions, idols and altars on the one hand" and "State owned drinking saloons to supply liquor to men, women and children of all castes." Both were State Departments working under separate officers of the King. The one was called the Superintendent of Religious Institutions; the other was known as the Superintendent of Liquor. A comparative study of these two institutions ought to prove interesting and instructive.

Let us see what laws were laid down by Chanakya as regards the working of these "drinking saloons." They are so interesting, up-to-date and efficient; and the success in the conduct of these "saloons" must have led to the re-organisation of temples also on those lines.

"By employing such men as are acquainted with the manufacture of liquor and ferments, the superintendent of liquor shall carry on liquor traffic not only in forts and country parts but also in camps."

"In accordance with the requirements of demand and supply, he may either centralise or decentralise the sale of liquor."

"Liquor shall not be taken out of villages nor shall liquor shops be close to each other."

"A fine of 600 Panas shall be imposed on all offenders.'

"Lest workmen spoil the works in hand and *Aryas violate their decency and virtuous character* and lest firebrands commit indiscreet acts, liquor shall be sold to persons of well-known character in small quantities. Those who are well-known and of pure character may take liquor out of the shop."

"Or all may be compelled to drink liquor within the shops and not allowed to stir out at once."

"No fresh liquor, other than bad liquor, shall be sold below its price Bad liquor may be sold elsewhere or given to slaves or workmen in lieu of wages or it may form the drink of beasts for draught or the subsistence of hogs."

"Liquor shops shall contain many rooms provided with beds and seats kept apart. The drinking room shall contain scents, garlands of flowers, water and other comfortable things suitable to the varying seasons"

"Spies stationed in the shops shall ascertain whether the expenditure incurred by customers in the shop is ordinary or extraordinary and also whether there are any strangers. They shall also ascertain the value of the dress, ornaments and gold of the customers lying there under intoxication."

"When customers under intoxication lose any of their things, the merchants of the shop shall not only make good the loss, but also pay an equivalent fine."

"Merchants seated in half-closed rooms shall observe the appearance of local and foreign customers, who in real or false guise of Aryas, *lie down in intoxication with their beautiful mistresses.*"

State drinking saloons must seem to the Varnashramite, a much hoarier institution than idols and temples even and if "ancient custom" or "immemorial usage" were the only surviving test for any one thing in India, to-day, then there is no greater danger to it, than the "total prohibition campaign" now in fashion. Such a propaganda in Chanakya's days would have been very, very high treason, indeed. But we are not at that question, just now.

In good old Chanakya's days, men, women and children, of all castes, were supplied with fresh liquor (mark that) by the state; as suited to their taste and capacity to stand it; the prices were reasonable; even "virtuous Aryas" could have it without "much" trouble; separate dining rooms and bed rooms could be had in those saloons; and what would have tempted even a Hogarth's favourite, or a washed-out Don Juan, there were "beautiful mistresses" to be had, arranged by the Superintendent of Liquor, along with "scents, garlands of flower, water and other comfortable things, suitable to the varying seasons." What more could the heart of any one, Arya or Non-Arya, desire?

It does not require much of historical imagination to infer from Kautilya, that some time or other, these state "drinking saloons" must have been amalgamated with the State "religious institutions." These "beautiful mistresses" of the saloons appeared in the "temples"; "scents, garlands of flowers, and water" could be had in both; "the sacred water" in the temples was made up of indentical ingredients which went to the manufacture of liquors also. Even the element of risk for the "virtuous Arya" in frequenting the public "saloons" must have been removed by this arrangement in the temples as "sacred water." Religion was employed to save virtue as even today it is the case.

It was by such inducements that the Brahmins (Agnihotris) were taken to worship in these Hindu temples; if they did go and worship, they were treated as outcastes by the Brahmins themselves; perhaps, in order to give some sort of respectability to these temples, Brahmins, at the risk of being outcasted, were induced by the masses and aborigines and by the attractions which were provided, to go and worship; and such out-caste, low and inferior Brahmins, because of their entry and worship in these temples, had to be fed and maintained from these temples along with dancing girls and musicians.

In "A description of the Administrative system of Travancore' published in the year 1844, by V. Kristna Row, 'late Dewan of Travancore' he observes:—

"The general Ootooperah called "Aggrashallay" is at Trivandrum and is attached to the pagoda of

Anandashainom. All Brahmins resorting to Trivandrum from the different Districts and all those residing at Trivandrum are at liberty to enter the Agrashallay and take their meals both day and night.''

"Exclusive of the above" writes the Dewan Krishna Row, "there are some Brahmins employed on religious duty of "Easwarah Sevah." They have certain monthly allowances in the several pagodas and there are about three hundred and fifty (350) of them; they are only to attend the pagoda every day during the performance of the "Sheva Poosha and the best part of the day they remain idle."

If there was such a huge lot of trouble for the Brahmin even for entering into and worshipping in a Hindu temple, it goes without saying that pujas inside the temple for the Non-vedic 'aboriginal' gods would never have been performed by these Brahmins. Even today in South India the pujaris of all famous public temples are *not* Brahmins—who then these pujaris are, is a different story altogether.

The Brahmins lost caste by going in for worship; and if they ate or were fed, in such temples, it is because they had fallen low in Brahmin society and this eating, by itself, was a hall-mark of inferiority for the Brahmin.

Therefore in the old days, these Hindu ancient temples were founded by the rulers to please the masses and as a source of revenue to themselves—i. e., the rulers. These temples were later turned into paying places of entertainment by providing them with

dancing girls and music; and these temples were made respectable socially, by maintaining some Brahmins as worshippers who had to be fed as their worshipping entailed them loss of caste.

It may not be irrelevent, at this juncture, to place before the reader the observations of the Abbe Dubois.

"To have any connexion with a courtesan or with an unmarried person, is not considered a form of wickedness in the eyes of the Brahmins. These men, who look upon the violation of any trivial custom as a heinous sin, see no harm in the most outrageous and licentious excesses. *It was principally for their use that the dancers and prostitutes who are attached to the service of the temples were originally entertained* and they may often be heard to intone the following scandalous line; '*Vesya darisanam punyam papa nasanam*' which means, "Looking upon a prostitute is a virtue which takes away sin."

Again the Frenchman, a century ago wrote:—"It appears *that at first they* (the courtesans and dancing-girls, called *devadasis*) *were reserved exclusively for the enjoyment of the Brahmins.* And these lewd women, who make a public traffic of their charms, are consecrated in a special manner to the worship of the divinities in India. Every temple of any importance has in its service a band of eight, twelve or more. Their official duties consist in dancing and singing within the temple twice a day, morning and evening, and also at all public ceremonies."

It is something to have provided an historic basis for that wonderful affinity which subsists between the Brahmin and the Devadasi and which subsists even today. Without this basis, one will have missed the spiritual identity of the Brahmin championship of the Devadasi system—lost the key to the mystery, as it were.

If what has been stated hitherto is historically true, then it stands to reason, that to every Hindu temple into which a single Brahmin can enter and worship and in which a single Brahmin is being fed, into each and every one of such temples, every Hindu, caste or non-caste, touchable or untouchable, can enter and worship. For it was for the latter's worship that these temples were built of old; if the Brahmin is fed, it is because he lost caste, became a cosmopolitan as it were, by barely worshipping in such temples along with all the others, caste Hindus, untouchables and depressed classes.

In so far as the Brahmin worshipper is concerned, as he becomes an untouchable by his very worship, he himself will have to get out of every Hindu temple, in order to keep it pure; he will have to desist from worshipping therein and it goes without saying that he cannot eat in any Hindu temple, if he still claims to be a Brahmin.

On the temple-entry question, the Varnashramite Brahmin's mouth, be he an official or non-official, lawyer or layman, retired or active, whatever it is, his mouth is historically sealed.

The Brahmin's entry into a temple is the index; if he can enter into a Hindu temple, every other person under the sun can enter it. If a single Brahmin is fed in any Hindu temple then that temple, historically and legally will have to be open for worship to the lowest Pariah or Chandala also for worship because that Brahmin is eating, historically and socially the sin, if any, of that Chandala worshipper.

CHAPTER V.

Legal confusion.

"As regards public temples and endowments" writes Mr. G. C. Ghosh, the eminent lawyer, "ignorance of their history and original constitution has led to this confusion of the law." This is rather a severe indictment to bring forward against our lawyers, especially Hindus. It just means that our lawyers are enveloped in profound ignorance; and the law as known and practised today with reference to public temples and their endowments is the result of chaotic confusion. In so far as the temple-entry question is concerned, it is absolutely true.

It shall be our endeavour to show that in law there can be no justification on the part of the so-called "trustees" (it is a legal anachronism to call them trustees) or on the part of the Devasthanam Committees or on the part of the so-called caste Hindus, in preventing any Hindu of any class what-

ever, from entering any public Hindu temple and worshipping therein. Nor can there be any justification for this pernicious policy on religious, social or historical grounds. On the other hand, it may be pointed out, that any persistence in this policy just spells the greatest disaster that both Hindu religion and Hindu society have hitherto met with. It need not be emphasised that such a policy illegal, immoral, irreligious, insulting, selfish and unjustifiable, can only proceed from quarters which have not the interests of Hindu religion and society at heart. In short, they are enemies to Hindu religion and society who, professing to be Hindus, still prevent brother-Hindus from entering these temples and worshipping therein, for any reason or upon any pretext whatever.

"The evidence adduced about the history of the existing conventions" writes a distinguished Indian lawyer, high in British judicial service "is usually so vague and indefinite and often so far from the truth that it seems safer to lay down a general legal principle that those who pay the piper should call for the tune. Those from whom the temple authorities are in the habit of receiving or exacting contributions should have the privelege of worship at least along with others who do not contribute anything. It is certainly unfair that some classes do all the giving and spending and others who will not give a brass farthing should have all the priveleges and perquisites. *It seems likely that if the justice of this claim is not recognised in time*, the lower classes will take the law into their own hand and refue their

offerings and contributions till the trustees are starved into submission or they may go a step further and rush into the temples from which they are jealously and in many cases unjustly excluded."

Let us proceed with the historical development of this branch of the law. We were at the position, deducible from Chanakya, that these Hindu temples were a source of profit and their revenues went to the King. And secondly, the position of the Brahmin in Hindu temples today is due to an accident. It was not intended for him or his worship; his entry therein was socially ruinous to him; his temple worship was dangerous to the King and country. Spence Hardy says:—"Image worship is alluded to by Manu but with an intimation that the Brahmins who subsist by ministeriug in temples are an inferior class." Brahmin feeding in a Hindu temple never took place, except when he was outcasted and became poor and consequently formed part of the institution along with dancing girls and musicians. There is no mention of any Brahmin being fed in any religious institution in Chanakya's days It would then, as now, have affected the revenues—earmarked for the King.

A small digression, please. Brahmins were outcasted, because they went in for temple-worship; and today, they are laying down the law as to which castes or sub-castes can have temple entry. The Brahmin goes with the Vellala and others of the Sudra caste in this affair. It so happens that throughout South India the right of these two communities (the Vellala of the east coast corresponds to the Nair of

the West coast) to enter any Hindu temble for worship seems to be taken for granted; and not merely that, they also seem to think that they have a right to say which other castes or sub-castes can have temple-entry and which not.

We have already indicated that, on historical grounds, if you find a single Brahmin entering a public temple, every other Hindu has also the right to enter. Similarly if you find a Vellala or any other "good" Sudra entering a temple, there can be no valid objection to anyone, even a Non-Hindu, entering that temple for worship.

No one can now oppose, seemingly, the entry of a Brahmin into a Hindu public temple; nor of a Devadasi or a dancing girl; nor of the issue of such Devadasis. Such offspring of Devadasis were called in the old days Dasiputras; those Dasiputras are our modern-day Sudras. At any rate, Sudras, inclusive of Vellalas, have the undoubted right to enter any public temple.

Even if the etymological significance of Sudra being Dasiputra be disputed, let us know who are the "offspring" of these Devadasis and what becomes of them, in South Indian society today.

"Formerly" writes a distinguished historian, "the Dasis undoubtedly enjoyed considerable social position on account of their service in the temples. But now they have degenerated into prostitues and as such have fallen low in the social scale. It is not, however, every Dasi that is married to the Deity but only a few are

so dedicated, of the rest some voluntarily follow the profession of prostitution, while a large number marry and settle down as family women. Of the males, some marry in the caste and live by playing on the flute and other musical instruments at the dance and by teaching them dancing and music, while others marry and drift out of caste, follow other occupations and try to get rid of the stigma attached to their birth, *by merging into the general community of respectable Sudras*." This started in the days of Manimekalai-the old Tamil epic.

There can be no reproach, neither historical nor racial, if the geneology of the Vellala or Sudra is lost in the Devadasis as that of the Brahmin in his Rishis. In the matter of parentage, the Sudra is as "cosmopolitan" as the Brahmin. The offspring of Devadasis have become respectable Sudras today.

In the Panakudy Temple case, Sir. T. Sadasiva Aiyar, had to observe, using judicial language:—"Even among Sudras those who consider themselves more respectable will try to avoid the touch of the less respectable classes though there is no ceremonial pollution caused by such touch For instance DW1 says in the case, "I am a Sudra, caste Vellala. *I do not touch the lower class of Vellalas*" This is not because their touch causes any religious pollution to the higher class but simply out of the exaggeration aud aberration of caste sentiments, the exaggeration being due to 'class' sentiment having come in recent times to reinforce caste sentiment."

It is very often a difficult question to determine the paternity of the children of Devadasis; nor are we interested in discussing it here, except to point out that it is very much of a "cosmopolitan" affair.

Such being the case, there is considerable historical support for our view, that to whichever temple a Brahmin can enter; that a dancing-girl can enter; that a Dasiputra, including respectable Sudras, can enter; into that temple every Hindu (let alone a Non-Hindu for the present), every Hindu of whatever denomination or caste or sub-caste, untouchable or depressed or oppressed, every one whom we call a Hindu and whom the authorities that be, have recognised as a Hindu, every such Hindu has the right to enter the temple and worship therein.

CHAPTER VI.

Temple Revenues are Public Revenues.

All rulers in India, Hindu, Moslem and Christian were all through treating temple revenues as forming part and parcel of public revenues.

Hindu Smritis had no doubt, declared that "the King should not take the property dedicated to the Gods." In England, possibly because there was no Smriti to guide them, "Henry VIII and Cromwell misappropriated dedicated property without scruple." But, even in India, in spite of these Smritis, it seems old Hindu Kings, looked to these religious institutions for " replenishing their exhausted

treasury." The modern Hindu lawyer wroth at such an unsmritic procedure writes thus:—

"There was much spoliation of Debutter property by the old Kings. But the systematic spoliation and collection of money from deluded people by means of pretended Mutts, Sanyasis and for gods, imaginary spirits and worship of sacred trees, as laid down by Kautilya for the guidance of kings, beats all records of unscrupulous policy for replenishing the exhausted treasury of a king. *The King was thus more frequently than not the spoliator and not the protector of endowed property and violated the good rules of the Smritis* on the strength of the rules of the Artha Shastra."

"We find" says the same learned gentleman in another place, "that the king made temples and other places of worship a source of profit."

What does it mean? It means that our old Hindu Kings treated these "good" Smritis as mere waste paper. They preferred to follow Chanakya "the unscrupulous."

It need not be reminded that Chanakya was older than the Smritis; that the Smritis were a laudable attempt, though rather historically Utopian, to improve upon the Arthasastra of the former. In the race which might have ensued between the earlier Arthasastra and the later Smritis, the former won all the time and the latter were nowhere in the field. This has a considerable historical aud legal significance.

Down through all rhe ages, the Smritis inculcated a mere pious wish of the Brahmin reformer; they were never put into practice at any time till the British Courts came to be firmly established in India. By which time, these Smritis had found favour with European Orientalists; whose enthusisam for Sanskrit knew no bounds. Lawyers, who were fond of romancing, like J. D. Mayne, caught that infection because it was paying, even though they confessed they were neither Sanskritists nor historians. The idea grew, and was made to grow by interested people, that Smritis laid down history and not mere fables. Brahmin Lawyers and Judges enthused over it; it spread like wild fire throughout the legal world so much so, that it came to be finally held, that what is not in the Smritis could not be historically true or the correct "immemorial usage or custom." Now, today, with the progress of historical research, it becomes increasingly clear that in every branch of Hindu Law even the Judicial Committee of the Privy Council has been consistently let down by the old fables of the Smriti-wallahs. These same Smritis, these very wonderful inventions of the Brahmin, are a huge, pious fraud—a blot upon legal history.

A distinguished Madras Jurist writes:—"A further difficulty lies in the fact that the Hindu law, as found in the Shastras, was never meant to be applicable to two hundred million Hindus living over the length and breath of this ancient land. They were probably drawn up only for the use of Aryan Brahmins in the Northern provinces, possibly also for a few

castes which observed the same rules as Brahmins. Those who have paid attention to the subject hold that Manu wrote his treatise for a tribe called the Manavas. Gautama compiled his law for the benefit of Chandojas or followers of the Sama Veda, and Yagnavalkya for Vajasanyeji priests following the white Yajurveda. The rest of the communities in the country were formerly governed by the customs of the respective castes corresponding to the Thesavalamai still prevalent in Ceylon. By a sweeping generalisation for which their is no warrant or parallel anywhere, all kinds of communities which were never meant to be governed by the conflicting dicta of ancient legists are bound hand and foot by the restrictions intended for small groups in an archaic age. Neither the status nor the requirements of modern communities are taken into account. The needs of progress or even of peace and justice, are often ignored and the population groans uuder a huge incubus. Its squeals and miseries go unheeded. Entire communities are giving up healthy customs by which they were previously governed and imitate the narrow traditions and copy the noxious practices of certain classes." Lawyers might remember about the controversy which went on about this matter between Mayne and Nelson.

If the old Hindu rulers themselves did not observe the rules contained in the Smritis then who followed it? The Moslem rulers who succeeded or the Christian rulers?

"The offerings of rich devotees which are divided among the priests in proportion to their rank and

dignity are sometimes so considerable, in the principal temples, that they have aroused the cupidity of the princes of the country, particularly of the Mahomedans. These latter as a sor of compensation for tolerating a religion which they abhorred thought fit to take possession of more than half of these offerings." Thus wrote the Frenchman the Abbe Dubois in 1816, for the edification and guidance of the East India Company.

The Privy Council, in a recent case, observed, with reference to an endowment appertaining to the Madura Temple, as follows:— "Very shortly after the foundation of this Kattalai (some where between 1704 and 1735), the Muhammadan Government attached these villages and retained possession of them until about 1790, when the Madras Government assumed possession of the Madura District. Ultimately in 1801, the villages came into the possession of the East India Company and remained in their possession till 1849 when the general manager of the temple at Madura (who had been appointed by the Company in 1842 in exercise of the powers given them under Regulation VII of 1817) was placed by the Company in possession of the villages."

"The income derived from the villages in suit has been applied in *various* ways during this period During the time that they remained under attachment by the Muhamadan Government it would seem, that a portion of the income was applied to the uses of the endowment and *the remainder was appropriated* by the Government. There is no evi-

dence as to what happened between 1790 and 1801. From 1801 to 1849 while the villages in question were in the possession of the East India Company, the revenue from them was applied in whole or in part by the Company to the uses of the endowment. In the earlier years it appears to have been handed over as a whole, but from the year 1817, the Government followed the practice of settling each year a budget showing the amount necessary for the expenses of the Kattalai for that year, paying over only so much of the income as was sufficient to satisfy the budget *and retaining the remainder.* Since 1849,—the whole of the revenue has been used for the purpose of the endowment (including the expenses of the temple) according to the directions of the temple manager and the temple committee." These remarks were made with reference to an endowment, the documents relating to which were non-existent nor even was it clear "at what date or how these villages became connected with the endowment." We may have to refer to this aspect of it, later on, but at the present moment, the only thing to be noticed is, that the revenues from these temple endowments reached, in whole or in part, the rulers of the country as public revenue.

That is to say, practically till 1863, when the British Government washed its hands clean off the management of these temples, good old Smritis which laid down that "the King shall not take the property dedicated to the Gods" were a dead letter. Temples were a legitimate source of public revenue, always, to every ruler who governed India, Hindu, Maha-

medan and Christian even. Smritis were binding upon nobody. It was good old Chanakya—all the time.

With regard to the Thirumalai Tirupati Devasthanams (34 in number) the Madras High Court (consisting of Sir Arnold White C. J. and Ayling J.) observed as follows:—

"In the first place they are all of them destitute of any endowments in land or money. Such inam lands as are attached to them are service inam lands for various temple functionaries in remuneration for their services and do not contribute to general temple revenues. On the other hand, a very large income (at least three lakhs annually) is derived from the offerings of devotees and pilgrims. These are collected in the most business-like manner. Every service to the diety performed by or on behalf of a devotee has to be paid for on a fixed scale. For instance, if a pilgrim wishes a necklace to be used for the decoration of the idol, this will only be allowed on condition of his depositing also the full value of the necklace in cash for credit to the general revenues of the temple. If a pilgrim wishes camphor to be burnt before the shrine a fixed fee has first to be paid by him. The same principle obtains throughout."

"The most striking feature has yet to be indicated. Up to 1843, when the defendants' predecessor was appointed trustee of the temples, all the surplus revenues of the temples, after defraying the cost of the temple service, *were appropriated by the*

sovereign power. This practice the British Government inherited from its Mohammedan and Hindu predecessors and it has prevailed from time immemorial. The surplus revenue thus appropriated amounted, at the beginning of the last century, to something like two lakhs of rupees annually."

"As a natural consequence, we find record of the most minute superintendence of temple affairs exercised by Government, through the Collector and Tahsildar, up to the time when it severed its connection with the institution by the sunnad of 1843. *The temples appear to have been treated exactly like a Government Department, every care being taken to cut down unn-cessary expense, increase income and prevent the possibility of leakage or embezzlement.*"

The principle gatherable from the above weighty judgment and one which has always to be kept in mind and which illustrates in full what we have hitherto been hammering at, is this:—"All the surplus revenues of the temples were appropriated by the sovereign power. This practice the British Government inherited from its Mohammedan and Hindu predecessors and *it has prevailed from time immemorial.*" We may have to refer to this principle, later on, to illustrate other points.

CHAPTER VII.

Origin of Temple Trustees and their powers.

Who has got the authority in law to prevent a Hindu from entering a public temple and worshipping therein? Has the "trustee" or the Temple Committee, whose powers, or the absence of it, seem to be similar, the right to do so? We shall deal with the rights of other sections of the Hindu community itself later on.

Let us trace the history of these Committees and these trustees. To use the compendious language of the judicial committee of the Privy Council:—

"In 1810 in the Bengal Presidency, and in 1817 in the Madras Presidency, the British Government had assumed control of all the public endowments and benefactions, Hindu and Mahammadan, and placed them under the charge of the respective Boards of revenue. *In 1863, under certain influences to which it is unnecessary to refer*, the Government considered it expedient to divest itself of the charge and control of these institutions and to place them under the management of their own respective *creeds*. With this object, Act XX of 1863 was enacted; a system of committees was devised to which were transferred the power vested to Government for the appointment of "managers, trustees and superintendents"; rules were enacted to ensure proper management and to empower the superior Courts in the District to take cognisance of allegations of misfeasance against the managing anthority. Their Lordships are not giving

a summary of the Act but indicating only its general features. The Act contains no definition of the word "trustee"; it uses indifferently and indiscriminately the terms "manager, trustee or superintendent," clearly showing that the expressions were used to connote one aud the same idea of management. After the enactment of 1863, the Committee, to whom the endowments were transferred, were vested, generally speaking, with the same powers as the Government had possessed before in respect of the appointment of "manager, trustees or superintendents."

Two things must be noticed at this juncture; the first is, it was not explained as to what were the influences which brought about this change and secondly the transfer of powers by the British Government was to the respective "*creeds*" that is to the Hindu and Mohammedan respectively. That means, the transfer was not made nor intended to be made to any particular class or caste or section or community among the Hindus but to the whole body of all the Hindus. That is very important. In another case, the Privy Council was extremely careful to employ identical language; "The Government divested itself of the charge and placed them under the management of such respective *creeds*."

In the Tirupati Scheme Suit, the Madras High Court (consisting of Subramonia Iyer and Davies J. J.) said "The temple of Sri Venkateswara in Siramalai or Tirupati in the North Arcot District is a very ancient Hindu temple to which worshippers resort from all parts of India and is in receipt of an annual

income of Rs. 2 to 3 lakhs. Prior to the establishment of the British Government the Management of the institution was directly under *the ruler of the country for the time being*. After the advent of the British the Management passed into the hands of the East India Company and subsequent to the enactment of Regulation VII of 1817 of the Madras Code, it was carried on under the control of the Board of Revenue through the Collector of the District. *With reference to a despatch of the year 1841 from the Court of Directors ordering the immediate withdrawl from all interference on the part of the officers of the Government with native temples and places of religious resort*, the management of the temple was in 1843, made over to Seva Doss, the head of a Mutt called Hathiramji Mutt, situated in the town of Tirupati at the foot of the hill on which the important shrine stands. In the "Sannad" by which this transfer of management was effected it was provided that Seva Doss' "successors in the Mutt should be his successors as Vicharana-karta or Manager of the Temple." Here also, there is no indication as to who wanted this non-interference by the British Government with Hindu temples.

"The control of the Management of these temples, which was vested in the Board of Revenue" says Mr. Ghosh, "was however found objectionable by many. *The objection to the control of the Board of Revenue came not from Hindus, but from Christian Missionaries who protested against a Christian Government exercising control over*

pagan temples. So loud was the outcry, that the Government called for a report from the Collectors in 1841 with a view to transfer the management of religious endowments to qualified individuals. The Regulations about them were all repealed and by Act XX of 1863, the Board was relieved of the burden of looking after the temples and other endowments and provision was made for making over the *properties* to trustees or committees of management."

If Mr. Ghosh the learned Tagore Law Lecturer, whose standing as an authority on Hindu Law has been recognised by the Privy Council, if he is to be believed, then it was neither the Smriti of the Brahmin nor the Agama of the Saivite nor any holy text or usage or custom of the Varnashramite nor any Hindu even, that was responsible for the present day Devasthanam Committee and the Trustees. It was the Christian Missionary that wanted his Christian Government to get rid of this control over "pagan" religious institutions.

"When a State was pledged to maintain a particular form of religion, religious institutions of a different religion or sect, or educational or charitable institutions intended to advance such religion or sect, could not be recognised or protected by it. It was for this reason that in Catholic countries Protestant institutions were not protected by the State and in Protestant countries, Catholic institutions were not recognised by the State. It was for the same reason that the British Government as a Christian Government in 1863, withdrew from the direct supervision

of Hindu and Mohammedan temples and endowments which it had assumed under the Regulations of 1810."

In their anxiety to be rid of a bother the British Government did not indicate by the Act of 1863, to which caste or class or community among Hindus, these "trustees" or members of the Temple Committee should belong. They possibly could not have indicated it, in restoring these temples in 1863, as equally they were not sure from whom or from which Community or caste, if any, these religious institutions were originally taken by them or their predecessors and later on placed under the control of the respective Revenue Boards in Bengal in the year 1810, in Madras in the year 1817 and in Bombay in 1827.

To put it shortly, Hindus as Hindus, without any distinction of caste or colour got back their temples and endowments in 1863, with identical powers of management of these temples and endowments as were possessed by the Board of Revenue and no more; and as Mohammedans got back their mosques. There is not a whisper in that Act of 1863 or anywhere else, of authority being conferred by the Government upon these "trustees" or temple committees to prevent any Hindu, as such, from entering a public temple under their control and worshipping therein.

Have these "trustees" and Temple Committees, inherent power, apart from any statutory authority which does not seemingly exist, to prevent the entry of a Hindu to a temple for worship?

They may have undoubtedly the right to regulate the conduct of the public within the temples, but not the right to *prohibit* any class or section of the Hindu public from entering for worship. Decent conduct is, no doubt, an obligatory condition for entering a public temple as any other public place. "Rules by trustees for good order and decency and prevention of overcrowding are binding on all." They can "turn out creators of disturbance within the temples preventing the proper performance of worship." That is all. These are just the disciplinary powers which a trustee or a Temple Committee has got. Such powers are manifestly analogous to those possessed by a judge over his Court House.

"There cannot be the slightest doubt" said their Lordships of the Calcutta High Court in a well-known case; "that a Judge has a general power over his own Court in the sense that he has a right to see that order is maintained, that the Court room is not encumbered by persons loitering about there to the detriment of the business of the Court, and that the public are not allowed to enter those portions of the Court house which are not intended for their use. *But as a matter of fact the Court House is a public place and is a place to which the public has a right to resort* so long as they behave properly and do not make a disturbance and do not crowd the court in such a way as to interfere with the disposal of business; and as long as persons behave themselves properly in a Court House, there is no authority vested in any one to turn it into a private place; and though undoubtedly this learned Judge has a

perfect right to control the way in which the Court room is to be used by particular persons—that is to say, to arrange the seats in such a way as he finds most convenient, allotting to the pleaders one place, to the parties another, and to the public a third—I do not think he is right or that he is justified in making any general order by which he excludes any portion of the community, as a general body, from his court; and though I expressly wish to be understood as not interfering in any way with the right of the Judge to control his Court premises in such a way as is most convenient to the public and to persons working there, still I think this very general order is objectionable because it is directed against a particular class of persons."

These observations of the learned Chief Justice of the Calcutta High Court sum up to a nicety the analogous powers of a Manager, Trustee or Temple Committee.

"The Manager of a public temple" comments Sir Hari Singh Gour "cannot make rules preventing free admission of every worshipper thereto for worship. Nor can he levy an admission fee though he may regulate admission to a particular part owing to the value of the idol and its ornaments. In this and other matters of detail, the manager doubtless possesses a power which must be exercised not capriciously but only in good faith on necessary occasions and for necessary and legal purposes as for preserving orderliness and decency of worship". Any act by which any portion or class of the Hindu public

is excluded by these trustees and temple Committees, from entering a public temple for worship will be completely beyond their powers and manifestly illegal—if, at any rate, a temple of justice stands, as it ought to, on a par with a temple of God.

It may be interesting to notice at this juncture the observations of two learned judges of the Madras High Court in a case in which caste Hindu converts to Christianity claimed to exclude non-caste converts from being seated along with them in the Church !

"Conversion to Christianity" remarked Justice Napier, "has it seems in no way modified the pretensions of the former (caste Hindu converts) or taught them that sense of equality before God which is a cardinal feature of the Christian religion as *well as other religions*" (The italics is mine) "The plaintiffs" (caste Hindu converts) observed Justice Sadasiva Iyer in the same case "cannot invoke, like the Hindus the sanction of accepted sacerdotal texts (whether genuine or spurious) for perpetuating the distinction (and that in God's house) between human beings as touchables and untouchables during a particular life period by reason solely of birth.' We shall show later on how even Justice Sadasiva Iyer—a very ardent and sincere reformer himself—felt bound to accept unreasonable customs and meaningless distinctions based upon spurious texts, in spite of the dictum which he laid down in this particular case. "Custom" said justice Sadasiva Iyer, "though not reasonable, sometimes wins in Courts of justice when

buttressed (as in the case of many Hindu customs) by theological writings whether genuine or spurious"!

CHAPTER VIII.

Transfer of Control by British Government.

What was the state of that Hindu Society between 1842 and 1863 when this transfer of Hindu temples and endowments to the "creed" of Hinduism took place?

In that society, the Brahmins were then and long earlier, the most educated and the most politically minded class among the Hindus. And they were practically the "official" class also—which is everything in Indian society.

Why, now a century ago, the Abbe Dubois wrote in 1816. "The Brahmins have also been clever enough to work their way into favour with the great European power that now governs India. They occupy the highest and most lucrative posts in the different administrative boards and Government Offices, as well as in the Judicial Courts of the various districts. In fact there is no branch of public administration in which they have not made themselves indispensable. Thus it is nearly always Brahmins who hold the posts of Sub-collectors of revenue, writers, copyits, translators, treasurers, book keepers etc. It is especially difficult to do without their assistance in all matters connected with accounts as they have a remarkable talent for arithmetic."

"Furthermore, their perfect knowledge of native opinion and of the ways in which it may be guided, to say nothing of the influence which they exercise by the prerogative of birth, are quire sufficient reasons to account for the readiness with which their services are accepted. In fact, the veneration and respect with which their fellow countrymen regard them, shed, in the opinion of the vulgar, a kind of reflected glory and dignity on the different Government offices in which they occupy subordinate positions. But woe to the European head of the office who does not keep the strictest watch over the conduct of these said subordinates, or places implicit confidence in them. He will soon find himself the victim of his own negligence, with his position seriously compromised."

Whatever be the reasons which made the Brahmin predominant in South Indian Society at this period, it cannot be disputed that it is a fact that when the Government of India transferred these Hindu temples and endowments, these naturally and inevitably, passed into the control of the Brahmins and such of the Non-Brahmin caste Hindus who were Brahminical.

When the Act XX of 1863 "enabled the Government to divest itself of the management of religious endowments" it so happened, that the Hindu society, then as now, was so constituted, that it enabled the Brahmin, directly or indirectly, to take upon himself the management of these Hindu religious endowments. And what happened when the British

Government washed its hands of these things and when the Brahmin and the Brahminical Non-Brahmin took up the management of these institutions, will be considered now.

The Government when it transferred these religious institutions to the "creed" of Hinduism, omitted to define who a "Hindu" was or what the "creed" of that Hindu ought to be. This failure to define a Hindu led to the consolication of Brahminical power and prestige and to the exclusion of the Major portion of the Hindu population from their privileges of a Hindu citizenship, viz, the so called depressed classes, the untouchables and ever so many other Sub-castes and communities.

It will be noticed later how admirably Mohammedan lawyers dealt with the situation which arose when Mohammedan mosques and other religious endowments came to be transferred to their "creed" at the same time i. e. in 1863.

In so far as the Brahmin was concerned, with the assistance of Brahmin lawyers, Brahmin Judges and Brahmin text writers and other Non-Brahmins Brahminically inclined, he bettered and secured his position in a way which he could not have dreamt of, even in the fabulous days of Rama Rajyam.

Temple-worship was to be regulated according to his Smritis and not Agamas even; any and every *Dharmam*, known or unknown was made synonymous with Brahmin feeding, Brahmin comforts and Brahmin advancement; attempts were made, in law first to

indicate that temples were founded for their benefit, spiritual and material, latterly to assume that the Brahmin was himself the deity; the Brahmin in South India got a move up socially and religiously. He could go into the holy of holies; his Guru can even perform puja inside a public temple; his Vedas became important; his Smritis assumed an importance in South India, which they had not since the days of their genesis. There came into being, of all places in South India, and that too in the twentieth century, a newfangled Varnashrama School, which would compare favourably with that described by Ragozin in his "Vedic India"—"a narrowly orthodox Brahminical School with its petty punctiliousness in the matter of forms, rites and observances, its intolerance of everything un-Aryan, its rigid separatism." Today in the light of historical research and criticism, that wonderful fabric of Smritis, that house of cards built so laboriously by the South Indian Brahmin Varnashramite, is falling about his ears. Now, it will be plain, why an ardent Travancore Brahmin, a veritable pillar of Varnashrama Dharama appeared before the Simon Commission and pleaded that no *Indians* at all should be made High Court Judges. No doubt, it was laughed out; but there is more in that Brahmin's suggestion than meets the eye. It was evidently not meant to exclude Brahmin Judges, like Sir T. Muthuswamy Aiyar who did Prayaschittam whenever he had to confirm a capital sentence; it was aimed at Brahmin Judges of the type of the late Sir T. Sadasiva Iyer. Of course Non-Brahmin Indian Judges ought not to be there at all.

It is just because all the pretences of the Brahmin, the official, the lawyer and the Judge, are being found out and exposed that this Travancore variety of the Varnashramite comes out with the suggestion that no Indian Judges shall find a place in the highest tribunal in the land. Oh! Ye shades of Chanakya!

CHAPTER IX.

From the British to the Brahmin.

With the appearance of the Brahmin Official along with the growth of the British Power in India, notably from the beginning of the last century, as pointed out by the Abbe Dubois; with the consolidation of the power and prestige of the Brahmin in Hindu Society, consequent on the formation of a new official caste, which in turn paved the way for a Varnashrama Dharma, aiming at a Vedic India as of old; with the transfer of control of the Hindu religious institutions and endowments by the British Government practically into the hands of Brahminism; with a new Brahminical interpretation of the word Dharmam; when all these and other fortuitous circumstances combined themselves together, Brahminism, which, if it existed at all in South India, existed, till then, only by sufferance, began to run amok. It did not end here. Such of the Non-Brahmin caste Hindus also who became educated, began to think and act as though made in the very image of the Brahmin,

in turn became even more Brahminical, rigid and exclusive and became staunch Varnashramites but with different nomenclatures. It was a regular St. Vitus's dance. That is where the educated caste Hindu society stands today in South India.

Such a combination of caste and class in the upper circles of South Indian society, which had been already cleft deeply into two (beginning a few short centuries previously, on account of the right-hand and left-hand factions among the masses, about which later) such a hybrid combination of caste and class, not merely led to still further social permutations and combinations but also to the exclusion of the greater portion of the Dravidian population from enjoying the bare rights of citizenship in their own country. The majority of South Indians today are helots in their own land. Dravidian culture was thrown to the winds; Dravidian genius has been crushed; Dravidian glory has been forgotten; Dravidian history nobody has thought of.

And at the present moment we shall trace the history of these religious institutions in South India during this ultimate period of Dravidian disgrace and down fall.

We were at the point of narrating as to what happened when the Hindu temples and endowments passed into Brahminical hands. To put it shortly, these temples and endowments which were originally Dravidian and Cosmopolitan have ceased to be such and have become today, purely Brahminical and

exclusive. We shall proceed to develop this point, and illustrate it.

While Mr. J. C. Ghosh says:—"The Agama Shastras of Madras lay down precise regulations about the rights of the lower castes to worship in temples," Mr. P. R. Ganapathy Aiyar confesses in his book on Religious endowments;—"much attention has not yet been paid by Scholars to the Agama Shastras and the Tantric works."

Even though it is professed that it is the Agamas which regulate what all classes can enter a temple for worship, this much is clear from the sub-dued statement of Mr. Aiyar that scholars, both Brahmin and Non-Brahmin, especially lawyers and judges are not really so very familiar with the Agamas. This will be evident from the following.

Justice Muthuswamy Aiyar, the first Brahmin Judge, practically laid down the dictum in an old Madras case:—"The right claimed by the plaintiff to enter into certain portions of the temple was a right which he was at liberty to assert *as a citizen and a Brahmin*."

Here in this case, the plaintiff a Brahmin who had married a Brahmin widow asserted a right to enter into the Garbagraham or holy of holies in a temple and that right was denied to him upon the Agamas by the defending trustees.

Justice Muthuswamy Aiyar either because he was ignorant of the Agamas or because he was under the impression that Agamas did not regulate temple-

entry, held the view above stated, that it was the birth-right of a Brahmin *as a Brahmin and as a citizen* to assert a right to enter even the Garbagraham or holy of holies.

"Even Brahmins other than temple-priest Brahmins were in many temples not allowed to go into the *Garbagraham*, as the touch of the uninitiated (i. e., those who had not Deeksha) *though they be Brahmins* was supposed to pollute the image." Thus opined the late Sir T. Sadasiva Aiyar in the Panakudy Temple case.

That is to say, while Sadasiva Aiyar J. says that according to the Agamas, even Brahmins as such, not even on account of any citizenship, cannot enter the Garbagraham, Muthuswamy Aiyar, J laid it down plump, that Agamas or no Agamas, which do not seem to have weighed with him at all, each and every Brahmin as a Brahmin and as, a citizen, without more, can assert a right to enter even the Garbagraham.

Therefere, even erudite Brahmin Judges like Muthuswamy Aiyar J. were ignorant of the Agamas; and Mr. Ganapathy Aiyar is right when he says that even scholars have not paid any very great attention to the Agamas. If such is the case with Brahmins as regards knowledge of the Agamas, it need cause no surprise if Non-Hindu ,Judges display greater ignorance about it. It may be stated however, in passing, that judicial decisions have recognised Agamas to govern temples in South India and *not the Smritis*.

Why should the Brahmins fight so shy of the Agamas? Not that it matters much, but still why?

CHAPTER X.

Cosmopolitan character of Hindu Temples.

Hindu temples were always really cosmopolitan (not in the Pickwickian sense of Mr. P. R. Ganapathy Iyer) and were intended by the founders to be cosmopolitan. It was only yesterday that the whole trouble arose.

We concluded the last chapter, by asking the question as to why it was that the Brahmin was fighting shy of the Agamas. For the very simple reason, that on a proper understanding of the Agamas, it would turn out that as a Brahmin he has no right to enter a temple for worship; that he will have to lose all his privileges gained recently after the advent of the English, by twisting and torturing the law on the subject, and by playing upon the ignorance of the credulous and simple-minded masses.

The first thing to be done is to notice the difference between Agamas and Smritis. This portion of the subject will be treated as lightly as possible. The writer relies upon the profound scholarship of Mr. K. Subramonia Pillai M. A., M. L., for Agamic information, even though Mr. P. T. Srinivasa Aiyangar Professor of Indian History in the Madras University also has dealt with the subject, as lucidly, in his recent book "History of the Tamils."

"The source of Smritis is Vedic; while that of the other is Agamic or Tantric which may be used as a synonym for Tamilian." This distinction is important this way:—"The study of the Vedas is restricted to the twiceborn; while that of the Agamas is open to *all castes and communities*." That is to say, even a Pariah or Chakklia or a Chandala can master the Agamas; there is no restriction as in the case of the Vedas and Smritis. Consequently the Vedists "will look upon such of the Brahmins as seek initiation into the Agamic religion as the dregs of Brahmin society." And further they view "that Agamas are intended for those *who are by birth* unfit to read the Smritis and Puranas.' Sir John Woodroffe seems to have expressed his wonder "at the contrast between the *cosmopolitan* character of the Tantras and the parochial restrictions of the Vedas."

From these observations and from further things to be noticed, it will be evident that wherever Agamic form of worship is adopted,—and that is the case throughout South India,—that temple is cosmopolitan and is intended for all castes and communities among Hindus and not merely to the twiceborn. I shall make it clearer.

Please notice two things laid down by Justice Sadasiva Aiyar in the Panakudy Temple case:—

(a) "So far as the Garbagraham is concerned, it is only the *Brahmins* who belong to the *temple-priest sect* that could stand inside it for the purpose

of worship. Ordinary Brahmins, Pillais and Mudaliars are entitled to worship from the outer Mantapam."

(b) "Ordinary Brahmins were not allowed to go into the Garbagraham, as *the touch of the uninitiated* (i. e., those who had not Deeksha) though they be Brahmins was supposed to *pollute* the image."

According to the Agamas then as accepted by Justice Sadasiva Aiyar (and he seems to have known something about it; whereas as pointed out already Justice Muthuswamy Aiyar displayed profound ignorance about it) *an ordinary Brahmin* cannot enter the "holy of holies" and his entrance therein will cause "pollution'" The only Brahmin who can enter it, is, what he euphemistically calls, "*the temple-priest sect Brahmin.*"

And who are the temple-priest sect Brahmins?

"Temple priests are regarded as a low class of Brahmins. This feeling seems to have been in existence from the days of Manu"—says Mr. P R. Ganapathy Aiyar, the learned commentator. Well and good.

Justice Seshagiri Iyer says (in a well-known reported case which went up to the Privy Council) "The next circumstance relied on is that the family of the defendants (Gounders or Vellalas or Sudras) are the archakas. *It is true they do not belong to a class from which the Poojaries of a temple are drafted. But there is no rule that unless a person belongs to a porticular class, he should not perform worship in a temple.*"

"In the well-known temple at Chidambaram there are a large number of archakas who claim to have come down to earth along with the Deity for which they are performing Pooja. *They do not belong to the caste* from which ordinarily temple archakas are drawn."

To put it shortly, the Dikshitars of Chidambaram are not Brahmins and there is no rule at all that a temple priest should be a Brahmin or that he should belong to any particular class or caste.

This view of Mr. Justice Seshagiri Aiyar was accepted by the Privy Council, when the case went up on appeal. Said their Lordships of the Privy Council:—"It may perhaps appear to be *strange* that the Pujari of a public Hindu temple should be of a *caste* other than that of a Brahmin; *but apparently in the Presidency of Madras, there are some Hindu public temples, the Pujaries of which are Sudras.* Mr. Justice Seshagiri Aiyar in his judgment in this case stated "that there is no rule that unless a person belongs to a particular class (caste) he should not perform worship in a temple and he referred as an example to the well-known public temple at Chidambaram in which, he said, the priests (Pujaries) are not Brahmins." The accuracy of that statement has not been questioned in this appeal."

Reading between the lines, it is easy to see that "the temple-priest sect Brahmin" of one Brahmin Judge, is a "low class Brahmin' according to the Brahmin commentator, and is *no Brahmin at all*,

according to another Brahmin Judge and the Privy Council but is a plain Sudra in those public temples where Agamas govern the situation,

It is again this "Sudra" who can enter the Garbagraha or holy of holies, which an ordinary Brahmin cannot enter, not even His Holiness Sri Sankaracharya, because he also is an uninitiated Brahmin according to the Agamas. While this "Sudra's" puja pleases the deity, even the approach of the ordinary Brahmin within the holy of holies, brings about pollution to the image? A Brahmin to pollute! What do the Agamas mean? It does not stop here if we go by the Agamas.

(1) "Even an *initiated* Brahmin should not *touch* any of the idols in the Saivite temple but can only serve as cook or *any other menial servant*."

(2) "An initiated Saivite of whatever community (*even a Pariah can get initiated*) should not receive food or drink at the hands of an uninitiated Brahmin".

(3) "If a Brahmin is uninitiated he should be treated as an alien in matters of religion."

From these and more yet to come, it will be found, that even according to Agamas which are said to govern these institutions, all the temples were open to all Hindus alike touchable and untouchable. As a matter of fact, a correct reading of these Agamas would go to show that nobody in those days could ever have dreamt of excluding any body of any religion, let alone an untouchable Hindu, from ente-

ring a Hindu temple for worship. Today's exclusion is un-Agamic and more political than religious.

As a great Agamic scholar observes:—

"Saivaism and Vaishnavaism keep some kind of initiation open to all classes including the Pariahs. Even a Pariah may be admitted into the temple provided he is a member of the religion, observing clean habits of life. It is Varnashrama Dharma that has resulted in the keeping of the Panchamas from entrance into the temple.

CHAPTER XI.

Fundamental Tenets of the Agamas.

The fundamental tenets of the Agamas seem to be, something on the following lines.

(1) Not only to exclude the Vaidik Brahmins from entering any temple whatever, even for worship but to treat them as aliens in religion.

(2) Initiation was the test and the only test and not caste or class, for becoming a Pujari or priest in a temple.

(3) An uninitiated Brahmin cannot even be a menial servant, such as a cook, nor touch any idol nor enter the holy of holies or Garbagraham in a Hindu temple.

(4) A Chandala or Pariah can get initiated in much the same way as the Brahmin or any other.

(5) According to the Agamas, in the matter of worship and entry, caste has nothing to say. All caste Hindus and all non-caste Hindus were held as being one in the eyes of God. That seems to have been the spirit of the Agamas.

(6) There is nothing in the Agamas to presume the existence of any indulgence to any one class of people and repugnance to another.

These Agamas in short, threw open the door of all temples to all classes alike without any distinction whatever, in order at any rate, that all may get initiated or obtain Diksha. Any other presumption would be absurd.

It could not very well be, because even aliens in religion like the Vaidik Brahmins were admitted, without scrutiny, in order that they may get initiated. If the Brahmins after getting into the temples and after being permitted to worship in the temples along with others, did not feel like getting initiated, religious liberty was ranked so high, that nobody interfered with their presence except to restrict them from entering the holy of holies or Garbagraham, touching any of the idols or being a menial servant or Pujari. That is to say, the presence of the alien Brahmin in any Hindu temple today is the index to the religious toleration of the ancients in South India. It will be absurd to presume that when such a bigoted opponent of the Agamas like the Vaidik Brahmin is admitted into an Agamic temple for worship, in order that he might be won over to

initiation or Diksha later on, it will be monstrously absurd to suppose, that a like welcome would not have been extended to every alien in religion and caste: a Pariah, a Jain, a Budhist, a Brahmin or any other, to make him enter the temple for worship, if he so chooses and get him initiated,

That is to say, every Hindu temple was as much cosmopolitan and intended to be such, as a Mohammedan Mosque or a Christian Church continues to be even today.

In the extremely interesting book "History of the Tamils" by Mr. P. T. Srinivasa Iyengar, Reader in Indian History to the Madras University, we find this, about the Agamas.

"The Vaidik rites required the division of the people into four Varnas and led to the exclusion of the members of the last Varna from the study of the Veda and the Vedanta. The division of the people into four Varmas led also to the development of the Varnashrama Dharma and to the distribution of the Dharmas among the Varnas. The upshot of this was the doctrine that Sanyasa was open alone to the Brahmanas and that Moksha (heaven) was attainable only after the special training involved in the life of the Sanyasi. The corollary of these doctrines was that Moksha (heaven) according to the Vaidik path was reachable only by Brahmins. The Agamas set their face against these doctrines. Any one, even a Chandala (an untouchable) can obtain an image or a symbol of Vishnu or Siva and make puja to him. The Tamil legends of the Sivanadiyar (Saivite devotees)

refer to low caste Siva devotees who worshipped Siva in shrines; Kannappa Nayanar offered meat to Siva in the Kalhasti shrine. One of the Vaishna hymnists probably of the VIII century A. D. was a Panan, a member of a low caste whose feet were so degraded as to unfit them to tread on the holy soil around Srirangam temple. *The Agamas did not recognise the four castes;* but the Vedanta, being technically a part of the Veda was a sealed book to the Sudras. Badarayana has a special section establishing this view, that because Sudras are not entitled to ceremonial purifications, they are prohibited from hearing and studying the Vedas. The Agamas on the contrary, were open to all men; so much so that *even today, a Pariah who has received Sivadiksha can give this Diksha to a Brahmana and thus become the Guru of the latter.*"

Later on in the above book, the same learned writer says:—

"The Vaidikas regarded the Agamikas with supreme contempt. This was but the continuation of the derision with which the Aryas of old spoke of the Dasyu. There is a trace of this contempt even today though the Vaidika and the Agamika paths have been blended together as one since the days of Yamunacharya, for the temple priests, both of the Saiva and Vaishanava variety, are regarded as inferior Brahmins by strict Vedantis; *in fact, even fifty years ago there existed to my knowledge followers of the Advaita Vedanta, who would not enter any temples.* The Vedanta, which was the culmin-

ation of the Veda, also severely condemned the Agamika path." Agamas were anathema to the Varnashramite of old.

CHAPTER XII.

Who are the Temple Priests?

What is the caste of the temple priests of South India? Are they Sudras at least? Have before your mind's eye, the Mukani Brahmins of the famous temple of Tirichendur and the Dikshitars of Chidambaram temple, if you have seen them and adjudge their caste, if any.

"Even the Sudra of the Smritic religion should not descend to the level of the Agama and *mingle with the temple priests who should never be entertained by all the four castes* of the Aryan fold in any ceremoney"—so writes Mr. K. S. Pillai, the famous Tagore Law Lecturer of South India.

"The temple priests" observes the same writer in another place "are said to have been originally a section of the highest class of Dravidians called Vellalas whose function was the conduct of the worship in temples. They are called Adhi Saivites i. e., Saivites of primary importance. At a time when the Smartha influence became predominant the Adhi Saivites styled themselves Brahmanas of a special variety." And perhaps it is this which led Mr. P. R. Ganapathy

Iyer to state in his book on Religious Endowments "that the temple priests are a low class of Brahmins."

First we found Mr. Justice Sadasiva Iyer and Mr. P. R. Ganapathy Iyer, styling the "temple-priest" in South India to be a Brahmin; next, we found Mr. Justice Seshagiri Iyer and the Privy Council, calling him a Sudra; and now we find a well-known Dravidian scholar of the highest attainments in law, remarking that the "temple priest" is to be ranked even lower than the Aryan Sudra. There is no *caste*, as such, below that of the Sudra in Aryan Hindu Society.

According to Aryan conception, therefore, your temple priest in South India is not even a Sudra—he is something lower than that.

"When we remember that most of the temples in the South do not owe their existence to Aryan influence *but were built and endowed by the Non-Aryans*" said Mr. Justice Seshagiri Iyer in a well-known Madras case, "when we also remember that the endowments in the north are mostly by Aryans, the distinction between the two classes of temples would be apparent."

The temples in South India were built and endowed by Non-Aryans and the priests in those temples are lower in status than the Sudra even according to Aryan classification i. e. to say he has no caste; to put it plainly, the temple priest is an outcaste.

"Many public temples in Southern India (including Palani itself)" opined the late Mr. Justice Sada-

siva Iyer, "have been, by tradition, established by such Non-Brahmana devotees who had transcended caste and individual, family and other attachments by their devotion or selflessness." The learned Judge further stated that "the castlessness of such Non-Brahmana devotees results from supreme devotion, supreme Gnana or supreme selflessness".

"The largest and most munificently endowed temples' writes a distinguished Madras Judge," are probably to be found in the South and West of India. While there are a few fairly big temples in North India in places like Benares, Puri, Gaya and Hardwar, there is no comparison between them and the magnificent edifices which preside with such grace and grandeur over the landscape of South India. If one traces the history or ancestry of a South Indian temple, one will find that originally there was a very small temple put up in honour of a local deity that was probably administered to by Sudras and that as Brahmins came in and found a rich harvest waiting to be reaped, the worship fell into their hands. More substantial temples were erected in place of the insignificant ones which existed in former times, sometimes by Sudra princes out of taxes paid by all their subjects, more often out of Sudra offerings and contributions; a Sthalapuranam was brought into existence giving the mythical or actual ancestry of the God who was the subject of worship; and funds were collected by the Dharmakartas of those temples for the purpose of placing the

services on a permanent footing. The original temple was thus probably in most cases a Sudra temple".

The net result of it all is: casteless Non-Brahmin devotees founded the public temples of South India; made casteless people Pujaries or priests; and introduced Agamas which are intended for all alike, without distinction of caste or class.

"The Smritis clearly lay down" says Mr. J. C. Ghosh in his famous Tagore Lecture, "that Sudras cannot recite the Vedic Mantras necessary for the worship of the Gods. A *Brahmin is prohibited from worshipping or even bowing to a God set up by a Sudra*. All the religious rules of Manu are only for the three twiceborn castes, so the Smriti says."

"We ought to remember" says Mr. P. T. Srinivasa Iyengar, "that the Srauta sacrifices were not the rites of the religion of the masses, of what might be called a popular religion, in that only Brahmanas alone can take part in them and though the kings, the nobles and the merchants who were rich enough to pay for their performance could obtain the unseen benefits of the Yagnas, they could not participate in the rites." "The Agamic methods of worship being entirely fireless and not being accompanied by the recitation of the Vedic Mantras, must have been developed from the Dasyu rites." "The common folk must have had religious practices of their own, other than the fire rite all during the Vedic age and these must have been the old Dasyu rites."

It follows therefore, and it is well-known, that no Brahmin in South India does worship in a temple in which the Pujari or priest is a Sudra or one who is or who ought to be even lower than the Sudra; because the Agamas are entirely casteless; the temples when established were entirely casteless and the Pujari also was a casteless man.

Therefore, to every public temple in South India where Agamas are the guide and the Pujari or priest is a Non-Brahmin, practically an outcaste, it need not be stated, that to every such temple, all Hindus, without any distinction whatever are entitled to go and worship. Legally, historically and religiously such a temple is certainly not for the Brahmin nor for the twice-born classes. Such a temple was intended primarily for the masses, including the outcastes and the aliens in religion and only secondarily for the caste Hindus.

CHAPTER XIII.

Agamas are Cosmopolitan.

I have hitherto attempted to show that, whenever it is recognised that the Agamic form of worship or puja or consecration is accepted in any temple, it follows, that such a temple is cosmopolitan, is above caste, and cannot recognise caste distinctions in the matter of its votaries, devotees or worshippers.

This cosmopolitan or casteless character of an Agamic temple will be further evident from the following:—

(a) Sixty three Nayanmars or Saivite Saints are consecrated and worshipped in almost all public Saivite temples in South India. These Saints come from every caste and every Community, from the Pariah to the Brahmin; every outcaste, every untouchable is represented. If birth had been the test, these low caste Saints, these untouchables would never have got entry into a temple nor become Saints nor found seats in a temple nor would pujas or worship be offered to them. That shows the eminently liberal attitude of those who founded these institutions and shows further that the caste system had nothing to do with it. It was not caste, but religion alone, if at all, which counted.

It has been pointed out already how idol-worship was intended for the masses. That is the view of the late Mr. Justice Sadasiva Iyer also. So also, Mr. P. T. S. Iyengar writes:—"In the Vaidika rite no physical representation or representative of the deity worshipped was necessary, visible fire representing all the Gods; in the Agamika rite, the only deity worshipped had to be represented by some visible emblem, the emblem being a fetish, a tool, such as a sword or a club, a living or dead tree, a stone, a running stream, a linga, a salagrama or above all, a picture or a statute of the deity in brick and mortar, stone or metal, made in the shape assigned to him by his worshippers."

It has also been shown how temple and idol worship was a conception borrowed by the Aryan from the Dravidian. "Vedic religion" says Ragozin "at no time, until opened to alien and grosser influences, was idolatrous." The term Agama itself "appears to be the appellation applied to Tantras by Sanskritists, its meaning being that which has come i. e., from the Dravidians to the Aryans." "As the fire rite of the Aryan declined after the war of the Mahabarata, the Brahmana priests finding their occupation gone, must have turned their attention to the fireless rites still prevailing in the country.'

"Slowly, very slowly" continues Mr. Iyengar, "the Vedanta and the Agama schools gravitated towards each other. In the Puranas they exist side by side and are not blended into one. Even in the time of Sankaracharya (VIII century A. D.) we find they were not amalgamated into one.'

It is evident from these sixtythree Saivite Saints finding a seat in the temples and puja being offered to them, that no one caste or outcaste or untouchable can be prevented in law or religion from entering a temple for worship.

(b) "Another cosmopolitan feature in the life of the temples" says an eminent Indian Jurist, "is the distribution of food, offered to God, to all classes alike in the holy presenee of the Deity. Herein lies the germ of interdining of all castes and communities united by a single *religion*. If the temple were the Smritic institution like the Yagasala, where entry is

forbidden to Non-Brahmins, there would be no distribution of Prasadam to all worshippers therein."

Therefore in the Non-Aryan temples of South India, where Agamas and not Smritis governed the form of worship, we see how it is the casteless Hindu who usually built and dedicated the temple and the deity therein to the public; it is the casteless Hindu who is the Pujari and the Agamas themselves are casteless. Poojas are offered to casteless saints within those temples. There is no caste distinction at all either for entry or worship within an Agamic temple. Anyone who is a human being can enter the temple for worship, according to the true reading of the Agamas.

"In modern days after the advent of the British Power in India, the Brahmins and under their influence the Non-Brahmins have on several occasions, prevailed upon the trustees and temple committees into doing things which are diametrically opposed to the teachings of the Agamas." This is the complaint of a famous Agamic scholar of South India, whereas a Hindu lawyer of North India complains:— "This pitiful scramble to attain to a higher caste and to be classed among Aryans and to worship their Gods has characterised all Non-Aryan races in India from the most ancient times....Many Sudras have been given a position very nearly equal to that of the Vaisyas. But till the British came all Sudras and Antagas were content with their degraded position, most of them conducting their religious ceremonies without Brahmins who were precluded by the rules of Manu

from officiating in the religious ceremonies of all *but* the twice-born castes."

Even though "the Agama expressly forbids Brahmins from entering the holy of holies and performing the Archanai on pain of disaster to the King and community", what do we find now of recent years? The following lines (freely translated) from Tirumular's Tirumantiram-the standard work in Tamil on Agamic cult-run as follows:—

"If a Brahmin, as such, does puja to God, it will bring disaster to the King and famine to the country."

"Even in Palani itself," "remarked Mr. Justice Sadasiva Iyer, "the Poojari (priest) was a Non-Brahmana *till about a century ago*" which implies that the priest is now a Brahmin, after the control of that temple passed from the British to the Brahmin.

"In Tiruchendur for instance the Madhwa or Smartha priests substitued for Adi-saivites to perform the Puja to the central deity, are ignorant of the Agama called Kumara Mantram which was the original code of ceremonies for the temple". "In several places and several times Sri Sankaracharya has made attempets to enter the holy of holies and perform Puja to the deity." "Even Sankaracharyar the "Loka Guru" has certain restrictions placed on him in his pooja to the God; at Sripadmanabhaswamy Temple the famous shrine in Trivandrum" (Travancore State Manual). "Sri Sankaracharya, being uninitiated or not having obtained Diksha, cannot

according to the Agamas, enter the Garbagraham or the holy of holies." "Strenous attempts have been and are being made to set up the idol of Adi Sankara in Saivite temples." Sometimes the Sankaracharya, persuaded by the Brahmins "takes up his abode in the temple." All this is anathema according to Agamas.

In some of the public temples, the "Sudra temple priests" have baen sent out by the ignorant trustees and Brahmins have been appointed in their stead and the consequence has been that "the temple worship is not conducted according to Agamic rules."

Instances might be multiplied to show that the Agamas have been completely forgotten and purely Smritic or Brahminical rituals are being gone through. This took place after the British conquest, when, under their wing, the Brahmin rose to power and position in Hindu society in South India. It is due to the profound ignorance of the Agamas, by the priest, the temple committee and the trustee, with the undoubted influence of the Bramin in the background anxious to spread his own cult. Today's ceremonial in a public temple is neither Agamic nor customary; on the other hand, it has discarded the very rules under which those temples came into existence. Today's worship in a public temple is opposed to all religious canons; and today's preventing anybody from entering a temple for worship is not merely irreligious but is opposed to the very foundation of a temple, for, as we have seen already, according to the spirit of the Agamas, which govern a temple in South India, there can be no preventing

any Hindu whatever, touchable or untouchable, from entering and worshipping in a public temple.

To conclude this aspect of the question, there is no religious sanction behind the present day prohibition of certain classes from temple entry. Then how did this happen?

CHAPTER XIV.

Jain and Buddhist Temqles also become Hindu Temples.

Almost every-body will be prepared to agree with the proposition that the caste system or Varna is foreign to Dravidian culture and genius. We may discard even Kapilar's statement that it was the Aryan who introduced it in South India; we need not even inquire who this Kapilar was nor when he existed.

Secondly, all scholars are now agreed that in the old days, in place of the caste or varna, there was a classification of the people of South India according to the region which they inhabited and the occupation they followed.

Again, for long, Buddhism and Jainism had complete sway over the whole of South India, so much so, that neither Saivism nor Vaishnavaism counted for much. How long these two religions, Buddhism aud Jainism really prevailed in South India, is still a matter for controversy amongst historians, but by

about seventh century it may be taken to have begun to lose their inflnence. It may not have been altogether due to persecution by Saivites; it may well have been due to a social reaction against these two religions. Their rigorous discipline, their decadent religious rituals, perhaps their insufferable humanitarianism, might have brought about that reaction against them. And there is no gainsaying it any way that it was during this period that Agamas came into prominence in South India. Both Buddhism and Jainism were casteless religions; they were mainly formed in North India, with a view to putting down Brahminism and Varnashrama or the caste system; and consequently they found a fertile soil in the originally casteless South India.

It was at this juncture that Saivism raised its head and was able to get at the Chola and Pandya Kings and nobility; whereas Cheraman Perumal of Kerala had become either a Buddhist or had become a convert to Islam and had gone to Mecca. Somehow, he disappeared but after changing his religion.

There is no denying it that both these religions, Buddhism and Jainism had a wonderful hold on the Dravidians of South India. In spite of the influence which Saivism might have gained over princes and courtiers, it must have had a hard row to hoe when it came to the masses.

That is why the Agamas came to be so very cosmopolitan as indicated previously, Viz. that a Pariah can get initiated and in turn become the

Guru of a Brahmin even. And what is more, this initiation or obtaining Diksha, was the cheapest and the simplest thing of any on earth known to any religion in existence The man who was to give the Diksha may even be illiterate—he need know neither Sanskrit nor Tamil—he may be anything.

The explanation for it is there. You could not have secured a single convert to Saivism in those days, if you had to pick and choose, from among the Jain and Buddhist masses of South India. Saivite proselitisation required the laying down of a very broad policy and the trick was done Obtaining Siva Diksha was less a formality, more a joke, as it even now is. It was a simple question of statistics as is the case with Hinduism today in taking even the outcastes to be ranked as Hindus. There was nothing philosiphical; nothing religious. The more converts the Saivite Nayanmars or Missionaries got, in the same way the Christian Missions are doing it now, the merrier they became. And that is how you got the sixtythree Nayanmars, or Saivite saints drawn from every caste or subcaste, occupation or calling. The one thing to be remembered just now is that among the sixtythree Saivite Saints worshipped in all the public temples of South India, there is a Nadar gentleman, and a Chaklya, let alone others.

The trick was done; Saivism grew in strength and numbers; Buddhism and Jainism disappeared. How is another matter.

But, there must have been one or two small difficulties. Lack of temples and lack of architects. From

the very nature of the thing, and from historical evidence, it could be settled that almost all the ancient temples in South India were Jain or Buddhist.

The late Dr. Bhandarkar observed:—

"The period that we have been speaking of (200 B. C—400 A. D.) has left no trace of a *building* or *sculpture* devoted to the use of the Brahmin religion. Of course, Brahminism existed. But the religion certainly does not occupy a prominent position and Buddhism was followed by the large mass of the people from the princes down to the humble workman."

"The fact" writes Dr. Rhys Davids "that South of the Godavari we find the reverse state of things—Dravidian elements charged with Aryan elements—shows that the Aryan settlements there were late and not very important in regard to numbers. And it took a long time in spite of a fair sprinkling of Brahmin colonists, for the Brahmin influence now so supreme, to reach its supremacy in those parts. The mass of the more wealthy classes and the more cultured people in the south, were Buddhist and Jain before they were Hindu in faith. As late as the fifth and sixth centuries we have Pali books written in Kanchipura and Tanjur; and as Buddhism declined Jainism became predominant. It was only after the rise of Brahmin influence in Northern India in the fourth and fifth centuries and after it had become well-established there, that it became the chief factor also in the South. But when once it had reached that stage, it

developed so strongly as to react with great results in the north, where the final victory was actually won during the period from Kumarila to Sankara (700 to 830. A. D.) both of them born in the south and one of them, apparently, of half Dravidian blood."

Visiting Conjeevaram in South India in 640 A. D. Huen Tsang, the famous Chinese Buddhist traveller describes that "there were in that city 100 Buddhist monasteries, with about 10,000 Brethren (or Monks) and about 80 temples the majority of which belonged to the Digambara Jains." And in other places near Conjeevaram, "there were hundreds of Deva temples and the professed adherents of various sects, especially the Digambaras were numerous." Conjeevaram, today is now famous for its Hindu temples; there is no trace now of its having been a Buddhist or Jain centre. But that is a small matter, when it is seen that Jain Kings who founded these temples become Saivite Kings the very next day. That must have been the case with Koon Pandyan who became a zealous convert to Saivism under the ministrations of Saint Gnanasambandar—And there is Henry VIII of pious memory: and what he did with the Roman Catholic monastries and Abbeys.

And a very funny way in which such things do happen even in modern days is illustrated by the famous temple of Nagercoil from which the very town itself derives its name. It was a Jain temple till very recently, as already pointed out; today, it is a *pucka* Hindu temple under the control of the Ecclesi-

astical Department of the Government of Travancore. But the trouble for the Saivite was not over.

The Travancore State Manual says:—

"The Dravidian style of building is the most prevalent, especially in South Travancore where examples of the indigenous style are not commonly met with. The northern limit of the Dravidian style is Trivandrum. This is probably due to the easy accessibility of the Southern parts to the outside world, and the intimate connection that has existed between them and the adjoining Districts of Madura, Tinnevelly, Coimbatore etc. where the Dravidian races flourished and constructed some of their best architectural works. Some of the Southern Taluqs were for a time under the sway of the Pandyan and other kings and were wrested from their hands by the Rajhas of Travancore."

"There are also a few remains of Jaina and Buddhistic architecture"

"Besides these foreign styles, there is also an indigenous style. The temples and other buildings constructed in this style lack both the costliness and grandeur of the Dravidian structures, but they are neat and simple with provision for admitting plenty of light and fresh air, and in these respects are undoubtedly superior to the costly edifices of the Dravidian style The indigenous style is peculiar to Malabar and indeed the like of it is not known to exist anywhere else in India. The chief characteristic of this style is that wood enters largely in its construction. This style recurs with all its peculiarities,

in Nepal and Tibet and the resemblance between the two is so strong that from this fact, *among others*, Sir James Fergusson argues that "it cannot be doubted that an intimate connection once existed between Nepal and Tibet on the one side and Malabar Coast on the other," though it has not yet been possible to ascertain when. The large employment of wood in the place of stone is, according to Mr. Fergusson the chief peculiarity of the Jaina temple architecture and he would set down the style prevalent in Malabar, Nepal and Tibet to the influence of Jaina example."

It need not be pointed out that Fergusson is the highest authority on Eastern Architecture.

CHAPTER XV.

Architects and Hindu Temples.

When Jain temples became Hindu temples, certain alterations had to be made, at any rate as regards the idols. Temple-architecture in those days was safe in the hands of skilled artisans who were all Jains—the Saivite Saint and sinner were not artisans or architects. Both Jains and Buddhists were clubbed together and called Chamanars in the Tamil land.

In cases where the Saivite was not fastidious, he set up the Siva Lingom in its crude form which was then, as now, obtainable in every household; for the Saivite's heart would not have allowed a Jain

architect entering the Garbagraham or the holy of holies of a Hindu temple.

"It may be pointed out" writes Mr. P. T. Srinivasa Iyengar in his "History of the Tamils," "that in the New Stone Age long before the times we are here dealing with (i. e., 500 B. C.), stone lingams were made obviously for purposes of worship. After the commencement of the age of metals (copper in Northern India and iron in Southern India) phallic emblems continued to be worshipped. What look like such have been unearthed at Harappa and Mohenjo Daro. They are of two classes, chessmen like objects, varying in height from half an inch to a foot or more and ringstones from half an inch to three or four feet in diameter."

Commenting upon these discoveries, Sir John Marshall, Director of India Archeological Survey writes:—

"Taken in conjunction with the circumstances in which some of them were found, these facts leave little doubt that they were objects of some cult-worship. One suggestion that has been made is that the ringstones were mace heads analogous to those found in Mesopotamia; but a more probable explanation, in the opinion of the writer, is that they were yonis and that the "Chessmen" like objects were lingas. The yoni and the linga are well known emblems of Siva throughout the length and breadth of India and there can be no question that the cult is one of the most ancient in the land, going back to a time long before the advent of the Aryas."

The recent excavations and discoveries made at Harappa and Mahenjo Daro in the North West of India have led to the conclusion that the Dravidian civilization was a much hoarier one than that of the Aryan; that it was a splendid one; that it once overran the whole of India and not merely the South and that the worship of Siva was a Dravidian cult. It makes one remember how Ravana was a Siva devotee; how the Ramayana portrays a conflict between Aryan and Dravidian civilization; and how a Brahmin of the Aryan fold is prohibited from partaking of any offering made to God Siva. But what we are now at is to show that the image of Siva was a very simple affair in the old days; even a crude affair. There was nothing artistic about it.

Now, one can understand, why even today in Travancore and other places, the Visvakarmas or architects, who build temples and make wonderful idols and are reckoned caste Hindus in other respects by the others and consider themselves to be Brahmins— why these Viswakarmas are not permitted to enter these temples for worship. No, it is not done.

Now, Lingoms, as such, have a common-place sameness about them, that in spite of their esoteric significance, they must have tried the religious fervour of many a Saivite in those days. "The religion of the Aryans" writes Mr. K. S. Pillay, "was the religion of the hearth while that of the Dravidians was one of symbol worship originally in groves and later on in temples."

"In the beginning there was no temple. At every place of pilgrimage a certain kind of tree was held sacred as the spot where God was worshipped. At Chidambaram the sacred tree was the Thillai; at Conjeevaram it was the Mango; at Madura it was the Kadamba; at Tinnevelly, the Bamboo and at Kuttalam, the Jack, were held sacred....The term "Ambalam" which indicates the gathering of the village elders under the shade of a tree is also a word for "temple"

"Ragozin the author of 'Vedic India' holds that the worship of Siva was originally Dravidian. The worship of Siva was through the symbol of a stone column supported by a base under the shade of a tree. It is called Sivalinga in Tantric books. Even now the central deity in every Saivite temple is the Sivalingom ... Naturally formed stone columns which have been adopted as symbols of worship are styled Swyambulingoms."

Therefore, it became necessary to seek the cunning hand of the Jain or Buddhist Viswakarmas to carve the wonderful idols of the several Gods and Goddesses known to the Hindu Pantheon, perhaps, to replace the Jain and Buddhist idols in those temples.

According to the Census Report of 1931 for Travancore:

"All the present day paraphernalia of popular worship, the temples, images, processions, *utsavams* etc., were borrowed straight from Buddhism, almost in an unchanged form and it is well known that some

of the great Hindu temples of our day were originally Buddhist shrines."

In the days of Hindu revivalism in South India, there was no distinction made as between Buddhist and Jain; both were clubbed together and treated as one. As the late Professor Sundaram Pillay observed in "Some Milestones in the History of Tamil Literature."—"Under the term Buddhism, I include all forms of Anti-Vedic heresy that prevailed in this age. Though they differed among themselves, all the schismatics, known variously as Kshapanas, Bauddhas, Jainas, Theras, Sakyas, Arugar etc., were at one in rejecting the authority of the Vedas."

That is why even today, the Hindu Viswakarma, is sent out unceremoniously the moment his business is over. Once the Kumbha-Abishekam or Pratishta or other religious opening ceremony of a temple is over, the Viswakarama cannot get in again. He becomes an outcaste, as much as any other that you can think of today. We have known, several instances of it, in many public temples of Travancore; and that is the case in several places in British India, as well.

There is a feeling, growing stronger every day in South India and more so among the younger generation of it, among caste Hindus, that the time has come when for the sake of peace, these temples must be pulled down stone by stone, brick by brick and idol by idol, considering the inequities which prevail in these temples Whether that is going to happen

or not, is another matter. But some Saivites, taking this position very seriously indeed, have come forward with appologies for the preservation of these temples, as glorious works of art and wonderful specimens of Dravidian architecture,

Nobody denies the latter aspect, even though it required a Fergusson to point out the magnificence of Dravidian architecture. But what is missed by these learned Pandits is the simple fact. that the men whose ancestors wrought these wonderful things, are not themselves permitted to look at them, to appreciate them and to be profited thereby. It is said that the fingers of the weavers of the famous Dacca Muslin were cut off by the English factors in order that they may not make any more of that cloth. But the present instance is worse. For generations together, these Viswakarmas have been prevented from looking at the handiwork of their own ancestors; fingers grow in the son's hands. even though the father s had been out off; but not art, denied to the very possessors of it

Even today no caste Hindu as such can build a temple or a Mantapam, construct a Gopuram or a car, or carve an idol; perhaps he is an art enthusiast, but nothing more. It requires again the professional artist or architect or Viswakarma today to do it. And because they have been denied access to temples, every attempt made by them at these things today-through the munificence of Princes and plutocrats like the Nattu-Kottai chetties is very much of a

monstrosity. The cunning hand has lost its skill; who brought it about? The Caste Hindu.

We are dealing with this aspect of the question, as to how Kammalars and other Visvakarmas, who are caste Hindus admittedly, come to be denied access to Hindu temples, when we deal with the right-hand and left-hand factions in South India. later on. It came about, when the referendum in the Ponani Taluq of Malabar with reference to the Guruvayur temple was taken, that Chetties, Chalias and Kammalars-all are reckoned Caste Hindus in the Census-had no temple entry, particularly Kammalars, without whose assistance no temple can be constructed and no idol and Dwajastambam and other temple paraphernalia can be brought into existence

Jainism was the most prominent religion in South India till almost the end of 8th Century A. D. Consequently the artisans also were Jains. Now, when that religion began to fade away and the intelligentsia of the South became Saivites under Gnanasambhanda and Smarthas under Sri Sankaracharya, Jain and Buddhist temples with the assistance of the rulers of the time, became Hindu temples; and fresh temple building activities also began in the 10th and 11th centuries A. D and subsequently the services of these Jain artisans who were skilled in that direction were requisitioned. These became the *later* converts from Jainism and Hinduism. The older Hindus and the *older* converts to Hinduism at that time called themselves the right-hand (superior) class and these pepole called the newer converts-the artisans mainly-the lefthand (inferior)

class. But the intelligentsia or the Hindu reformers of the time, in order to remove this distinction because of the urgency with which these artisans had to be won over, in order they might be made to work in Hindu temples, gave permission to all the artisan classes to wear the sacred thread like the Smartha Brahmins and the Adi-Saivite Non-Bramins of South India-who were then the most superior class in South Indian society. They began to call themselves Brahmins and Kshatriyas and adopt their customs and manners. This, of course, would not have found favour with the older right-hand communities and consequently that faction would not have attempted to worship those temples and idols brought into being by these Jain left-hand converts. As a matter of expediency, therefore, these artisans were given the status of a right-hand community and permitted to work in the temples. When the work on temple building was completed. they were un-ceremoniously sent out in order to please the right-hand faction. This will show why the old tradition is still sticking on and the Visvakarmas are denied entry. It was purely a conflict between the *older* and the *later* converts to Hinduism from Jainism as in the case of Christians. About which, more anon.

CHAPTER XVI.

Saivism & Smarthaism.

To go back to the beginning of the Agamic age, when without any distinction whatever of caste, or

class or creed, people of South India were absorbed into Hinduism, Saivism at first, it must have resembled in some ways the activities of the Hindu Mahasabha in North India at the present moment, with its Suddhi movement and militant attitude. As regards Vaishnavism, the classic example of Sri Ramanuja exhorting from the top of the temple every one, without any distinction, to become a Vaishnavite illustrates the attitude of the Hindu propogandists of those days; their eagerness to get converts, making the path as religiously smooth as possible.

When the thing was done by Saivite Hindus through their sixty three Nayanmars, with the help of the aristocracy of those days to wipe out Buddhism and Jainism from the land, their appeared Sankara from the North, and Smarthaism came into being.

"The great learning and towering intellect accompanied by the anstere life led, by Sankara created a great following among the Brahmanas of the Saiva faith and it made great strides in the time of his illustrious follower Sayana or Vidyaranya who combined in himself both temporal and spiritual power." "During the Buddhist and Jain period, it was Saivism that was able to rise above the onslaught of these two creeds and vanquish them. The rise of the great Saiva Acharyas—Sambandar and others—was in this period." "The next few centuries saw the rise of the great teachers, Sri Sankara, Sri Ramanuja and Sri Madhevacharya." (Studies on Saiva Siddhanta by J. M. Nallaswamy Pillay).

It is doubtful that a Nambudiri of the West Coast with a questionable parentage like Sankara would have commanded any influence directly over the masses, in spite of his mighty intellect, vast learning and wonderful experiences in North India. His Maya Philosophy is acknowledged to be a development of Buddhist Philosophy, which again is said to be the pioneer in the field of netaphysics, in so far as North India is concerned. Whatever that be, he was shrewd enough to see that his teachings will have no followers, unless the Saivite propogandists were got hold of. Hence his intense admiration for the Saivite propogandist Saint Gnanasambanda Mere admiration would have buttered no parsnips; and therefore Sankara, who saw illusion everywhere, became a very businesslike Agamist himself.

"Slowly, very slowly, the Vedanta and the Agama schools gravitated towards each other. In the Puranas they exist side by side and are not blended into one. Even in the time of Sankaracharya (VIII century A. D) we find they were not amalgamated into one. For in expounding the Vedanta Sutras he follows Badarayana in regarding the Pasupata and the Pancarata schools as heretical, yet his Prapanja Hrdaya is a pure Agama work and he is called *Shanmatha-sthapanacharya*, (founder of six religions) because according to tradition he systematised the worship of Vishnu, Siva, Sakti, Ganapati, Subramonya and Suriya and introduced it in the ritual observed in the Mathas founded by him." (Mr. P. T. Srinevasa Iyengar).

But even disillusioned Sankara would have liked to have followers, material power, prestige and position. If he did not secure these things in the fullest possible measure, his successor did. But we are not at that question. The question is: who might have been the first followers of Sankara.

Agamic Saivites or Adi-Saivites as they are known, were ruling the roost at the time and most of them were attached to the Saivite temples as the priests there of. Naturally, Agamas required a working knowledge of Sanskrit and these temple priests knew it. They must have taken avidly to Sankara's teachings; while, in turn, Sankara himself adopted the Agamas. Thus was born Smarthaism in South India.

We have already dealt with the origin of the temple priests; even if he was not an outcaste, he was casteless He was bound to be such under the Agamas. This temple priest becomes quite naturally Sankara's Smartha Brahmin.

This will explain how, if at all, you now find a Smartha Brahmin inside an Agamic temple in South India and even in the Garbagraham or holy of holies, which just means that your Brahmin of South India was no more an Aryan than Ravana's younger brother Vibushna was. It was this which led the late Justice Sadasiva Iyer to observe in a well known Temple case.

"So for as I have been able to study some of the subjects referred to, my provisional conclusion is that Brahmana Hindus are not so predominantly

Aryan in blood and Non-Brahmin Hindus are not so predominantly non-Aryan in blood as usually assumed and I am not satisfide that "Dravidian" is opposed to "Aryan." A non-Brahmana or Dravidian does not at all, therefore, mean to my mind a pure non-Aryan and so for as Southern India, at least' is concerned a Dravidian does not connote a Non-Aryan."

And hence the claim of a Brahmin, supported by Justice Muthuswamy Iyer, to enter the Garbagraham or holy of holies of a South Indian Temple'

Consequently, the trouble thereafter was between Smarthaism and Saivism, which has continued till to-day. The Saivite considers the Smartha within the temple and outside it as a wolf in sheep's clothing,

"The Agama expressly forbids Smarthas from entering the Holy of Holies and performing the Archanai on pain of disaster to the King and Community"—But " the Smartha will find it easy to call each temple his own", though "there are no two religions in the world which are so dissimilar as Smarthaism and Saivism in respect of conception of God, mode of worship, revealations, ceremony of initiation, principles of philosophy and social ideals,' The Saivite Scholar laments that "as a well organised intellectual body the Smartha Brahmins best know how to make the most of their chances in the temples and convert them into Smritic institutions". (Mr. K. Subramonia Pillay, the famous Tagore Law Lecturer).

In the quarrel which now goes on, the Smartha, as well as the Saivite, has quite forgotten the existence of the Agamas, as well as the spirit underlying them, with reference to the temples now in their possession through the grace of Christianity.

For we find this statement from a well-known Saivite scholar as regards temple entry and worship for the so called depressed class Hindus. This is a fascinating idea with many.

"The best way to remove untouchability is to propogate Saivite religion. When the conduct of the Depressed Classes assumes a better level, then entry into the temples will naturally take place without any obstruction. Till that day comes, arrangements must be made for the construction of separate temples exclusively for the Depressed Classes for their worship in those temples."

It would look as though the existing public temples were founded for the higher caste Hindus and not for the masses; thereby ignoring the Agamas altogether; and apart from the question as to who is to build these separate temples.

And today's fight between the Smartha and the Saivite for control over the temples is simply with an eye to the main chance; for power and prestige, influence and position, with other material objects, if procurable; temple revenues have always attracted wide attention.

Possession, they say, is nine points of the law. If only these people, had bestowed a thought upon how the caste Hindus got possession of these temple; and

why it is they are permitted to take in the revenues from these temples and to manage it in their own way and even to play ducks and drakes with it; either through trustees or Committees, with a Board over it, under the control of the Government; these worthy gentlemen would have been better Hindus, at any rate, if nothing else; and the temple entry question or all the Hindus, would have been solved long ago.

CHAPTER XVII.

Who is a Hindu?

Today's Hindu Religious Endowments Board: the temple Committees and trustees, hereditary and otherwise; all these are there, by the good grace of the Protestant Christian Missionary; if the caste Hindu Saivite or Vaishnavite, lords it over the rest of mankind, thanks are due to his owlish blindness to see through the whole thing.

If the caste Hindu has now got the Hindu temples and the revenues connected with those temples, it is because the Christian willed it to be like that. If he (the caste Hindu) now choses to lay down the law against his own noncaste Hindu brother, it was exactly what was wanted of him. It is only the expected which is happening.

About a century ago, these Hindu Gods and Godesses, their temples and their endowments and the revenues derivable from them were safe in the

hands of the Honourable East India Company and before that in the hands of their predecessors—the Mohammedan rulers.

"Up to 1843, when the defendant's predecessor was appointed trustee of the temples (at Tirupati) *all the surplus revenues* of the temples after defraying the cost of temple service were appropriated by the sovereign power. This practice the British Government inherited from its Mohammedan and Hindu predecessors and it has prevailed from time immemorial. The surplus revenues thus appropriated amounted at the beginning of last century to something like 2 lakhs of Rupees annually."

"As a natural consequence we find records of the most minute superintendence of temple affairs excercised by the Government through the Collector and Thasildar up to the time when it severed its connection with the institution by the Sannad in 1843. The temple appears to have been treated exactly like a Government department, *every care being taken to cut down unnecessary expense, increase income and prevent the possibility of leakage or embezzlement.*"

It requires very little imagination to see that in those good old days, there would have been no trouble at all as regards temple entry: for it goes without saying that the European was quite free to enter any part of a temple, at any rate as far as that place in the temple beyond which it would not have been wise, hygienically, for anybody to have gone.

But the Mysore Committee on Hindu law reforms came to the conclusion, that after the advent of the British in India, that law became "inelastic"—as though the term "Hindu" connoted any body or community in particular; or that these Hindus had any uniform system of law worth mentioning; or was followed by any considerable body of people; or that anybody took the trouble to administer any such law, or, that it was "elastic". It is true enough that whatever it was, it has now become "inelastic" but the Britisher had absolutely nothing to do with it. We dug our own grave and got into it and felt and even now feel comfortable in it. We have obtained Nirvana.

It will be made clear in subsequent chapters how the whole trouble arose out of the word "Hindu," as regards the problem of temple-entry. The right asserted is in favour of all those who call themselves and who are called "Hindus."

The difficulties arise this way:—

(1) "Due appropriation of the rents and produce of lands granted for the support of Hindu temples" was made by Local Agents (usually the Collector) under the Boards of Revenue in Bengal (1810) and Madras (1817) under the East India Company.

There was no definition of "Hindu" in this connection i. e., in 1810 in Bengal or in 1817 in Madras.

(2) "The superintendence, appropriation, repair, preservation, appointment of trustees or managers"

etc., were given up by the East Indian Company and the Government of India in 1863, to Committees.

Here also i. e., in the Act XX of 1863 there was no definition of the word "Hindu" but as regards Mohammedans, whose Mosques, also were given up at this time by the Government, their lawyers were not too particular about it. According to them, all those who called themselves Mohammedans, were Mohammedans. But there was an indication of it in one place in the Act XX of 1863 in defining the qualification of a Committee Member that he must be one "professing the religion for the purposes of which the Mosque, Temple or other religious establishment was founded."

(3) There was no definition of the word "Hindu" in the subsequent Madras Hindu Religious Endowments Acts also.

Now, who is a Hindu? Some persons say that whoever follows the Hindu Law is a Hindu; others say that he is a Hindu who professes the Hindu religion.

Next is, what is Hindu Law? Another is, what is the Hindu religion?

Out of the hair splitting which arose in connection with these questions, people who are called Hindus and who follow Hinduism - as ordinarily understood—these people are kept out of their temples, by the ingenity of Hindu lawyers. We shall proceed to discuss it.

CHAPTER XVIII.

Christianity and Hinduism.

Who are the Hindus in whose favour or to whose control, the religious endowments were transferred in 1863 by the British Government? Were they Brahmins? Were they the four Aryan castes, Brahmins, Kshatriyas, Vysias and Sudras or the Dravidian or Non Aryan or Dravida-Aryan communities of South India who are, who call themselves to be, and who are recognised by the Government to be, Hindus?

Mr. J. C. Ghosh in his Tagore law lecture on "Religious endowments" observes as follows:—

"Act XX of 1863 makes provision for Hindu and Mohammedan endowments. The word Hindu is however difficult of definition. The Hindu law of inheritance and partition has been applied to Sikhs, Jainas, Buddhists, Brahmos, Memon Mohammedans, and aboriginal tribes like Kuches and Santhals. It is clear, the Hindu law in its entirety cannot apply to any one of these sects. The Hindu Law of marriage of the Smritis is inapplicable to Nairs, Jainas, Sikhs, Brahmos, Aborginal tribes and indeed to the great majority of the lower classes among Hindus who have no Brahmins to officiate in their marriage ceremonies and who freely allow divorce and re-marriage of women. It is however difficult to see how those whose marriage customs are inconsistent with the marriage laws of the Smritis can be governed by the Hindu law of inheritance which as Manu says follows the Hindu

Law of marriage. However, that may be, *Hindu law has been practically extended to all Indians who are not Mohammedans or Christians.* It would however be a difficult task to bring the religious endowments of these sects within the definition of Hindu endowments. So far as the Nairs are concerned, not withstanding their un-Hindu marriage customs and laws of inheritance they worship the Hindu Gods and though the law applicable to them may be different in all other matters from Hindu Law, the Hindu Law of endowments may be applicable to them and it has been so held and many Nair temples in Malabar have been brought under the control of the Boards of Revenue under Regulation 7 of 1817. Some Sikhs worship the Hindu Gods. But the more strict among them who have eschewed idolatry cannot be supposed to be governed by the Hindu law of Religious endowments. But it has been held that Act 20 of 1863 applies to Sikh Religious endowments Jainas do not worship the Hindu Gods, but still it has been held that the Act applies to Jaina religious institutions. The same observation applies to Buddhist and Brahmo temples and religious establishments. The lower classes of Hindus and aboriginal tribes who worship the Hindu Gods should be considered Hindus for the purposes of this Act." (i. e., Act XX of 1863).

The only trouble is that they were not so considered and why it was not done is the question.

According to the eminent Bengalee lawyer, "Hindu Law has been practically extended to all Indians who are not Mohammedans or Christians."

Then as regards the question, who is a Hindu by religion, Sir. S. Radhakrishnan's observations will be interesting.

"Aboriginal tribes, savage and half civilized people, the cultured Dravidians and the Vedic Aryans were all Hindus as they were the sons of the same mother... Hinduism developed an attitude of comprehensive charity instead of a fanatic faith in an inflexible creed. It accepted the multiplicity of aboriginal gods and others which originated, most of them outside the Aryan tradition and justified them all. It brought together into one whole all believers in God. Many sects professing many different beliefs live within the Hindu fold... Many tribes and races had mystic animals and when the tribes entered the Hindu society the animals which followed them were made vehicles and companions of gods. One of them is mounted on a peacock, another on a swan, a third is carried by the bull and a fourth by the goat... Contact with the highly civilized Dravidians led to the transformation of Vedism into a theistic religion. Image worship which was a striking feature of the Dravidian faith was accepted by the Aryans. It is clear that Kali in her various shapes is a Non-Aryan goddess... The theist and the atheist, the sceptic and the agnostic may be all Hindus if they accept the Hindu system of culture and life. Hinduism is more a way of life than a form of thought."

There is no insuperable difficulty, as found by Mr. J. C. Ghosh, in defining who a Hindu is. The Indian Legislature years and years ago found it so

easy to enact a law of succession for the Christians and to call that Act, "the *Indian* succession Act" and to make it applicable to every Indian who is *not* a Hindu, a Mohammedan, a Jain, a Buddhist, a Parsee etc. And Christians form, after all, only three per cent of the total population in British India. It is a remarkably funny way of doing it. Hinduism was the first dominant religion in India from the very beginning of things; even today two-thirds of the total population of British India are Hindus. It ought not to surprise anybody to presume that every Indian is a Hindu, as Dr Moonje put it before the Round Table Conference. Still, the Madras Government has found it difficult to style a "Hindu" constituency in South India as such, but has taken the trouble to call it a "Non-Mohammedan" constituency under the Montford Reforms. And on the top of it all, the definition of "Hindu" has been carefully and deliberately omitted in the Madras Hindu Religions Endowments Act of 1927—an omission which has led to all this trouble. Therefore the definition of Hindu is extremely simple; it means and includes every Indian who is not a Mohammedan, a Christian, a Parsee and any other who is a follower of a religion alien to India.

Therefore, it must be held that according to law and reason, all those who are recognised by the British Government as Hindus in its records, must be deemed to have been handed over the control of all Hindu religious endowments in 1863. And the courts of law have themselves laid it down that

they are not going behind that declaration, implied or express, of the Government. And they could not, in law do it as well.

In the Tirupati Mahant case, the Madras High Court observed:—"The Mahant is not a trustee deriving his power of management under the constitution originally laid down centuries ago. As already pointed out the institution (Tirupati Temple) was completely under the control of the *public authorities* up to 1843 and when the management was transferred to the Mahant in that year, it was an arrangement by the Board of Revenue in whom the control of such institutions was then vested under the Regulation of 1817. In other words the arrangement was analogous to a scheme settled by a lawful authority and therefore quite liable to be varied by that or other authority, legally competent so to alter or modify it".

That just means, that the final authority is the Government even after divestment and what was divested to these temple committees and trustees is only "to see to the proper administration of affairs and not to do anything with purely religious details". This was laid down by the Privy Council recently also. "After the enactment of 1863, the Committees to whom the endowments were transferred were vested generally speaking, with the same powers which the Government had possessed before in respect of appointment of "Managers, trustees or superintendents". That brings us to the position already dealt with, viz., that these temple Committees and trustees have no right to

prevent any Hindu from entering a Hindu public temple and worshipping.

The only lawful authority who can do it is the Government and they have by their conduct, as already mentioned, impliedly recognised the right of every Hindu, as such, to enter and worship in every Hindu public temple, which, at any rate, was before 1863, in their complete control.

In the early Madras case (reported in 13 Madras 293) in which the right of a Brahmin, who had married a widow, to enter the inner shrine of a temple was in question, Muthuswamy Iyer, J. made the following observations regarding the powers of a manager or trustee in admitting or denying access to the temple to a worshipper.

"The Managers would be acting within their rights if they could say:—"We have according to the usage of the institution to admit into the inner shrine for the purposes of worship only those Brahmans who conform to the general usages of their caste; you have transgressed the caste usage in respect of marriage and we cannot admit you to that part of the temple to which those who confirm to the usage are alone admitted according to the original trusts of the institution."

The first thing to be remembered is that the temple in question was a "caste" temple and not a public temple: which is evident from the language employed in that case in the remand order "regard

being had to its nature and character as a religious and *caste* institution."

In the case of a temple owned by a caste or village, there is no question of trust at all, as will be shown later; and in the case of such a caste temple, no doubt, the dictum of Justice Muthuswamy Iyer may be accepted. But it has absolutely no application at all in the case of a public temple and therefore you must be on your guard when Varnashramites go about trotting out this judgment of Justice Muthuswamy Iyer when the controversy is with reference to a "public" temple. As regards the use of the words "original trusts" etc., in the above passage—thereby hangs a tale.

Those were days, as even now, when the word "trust" was used without remembering that a trust in the sense in which that word is used in English law, is unknown in the Hindu system pure and simple. To English eyes, therefore, the words "trust" and "trustee" in the Indian sense is something Pickwickin. And the trust known to English law is something peculiar to itself.

A learned Indian Judge commenting upon the 'doctrine of trusts' says:—

"Professor Maitland observes:—'This (the doctrine of trusts) perhaps forms the most distinctive achievement of English lawyers. It seems to us almost essential to civilization and yet there is nothing quite like it in foreign law. Take up, for instance, the Civil Code of Germany. Where is trust? Nowhere.

This in the eyes of the English practitioner is a big hole. Foreigners do not see that there is any hole." Once Gierke told Maitland "I cannot understand your trust." Here in India, English law has committed us irrevocably to the doctrine of trusts."

We have even gone in for "political" trusts. Let us see what Mr. J. C. Ghosh, who delivered the Tagore law lecture on Religious Endowments says about it:—

"What is a trust? It is a charge imposed on another for the performance of some work. English lawyers are full of the technicalities of the artificial system of equitable and legal estates. It will be difficult for an Indian to understand them. The definition by Lewin of a trust is a correct definition but conveys no meaning to one who is not familiar with the artificial English system. Even the English lawyer, who in drafting the Indian Trusts Act defined a trust as in Section 2 of it while trying to follow the English definition did not quite understand it. *Let us not trouble ourselves with the technicalities of particular artificial systems of law but be guided by general principles of jurisprudence.*" This from an authority on Hindu Religious Endowments and Trusts.

Who, also, barring the Trustees and Temple Committees and the British Government whose attitude has been shown, who else has got the right to prevent a known and recognised Hindu-caste or

outcaste--from entering a public temple and worshipping therein?

CHAPTER XIX.

Change of Control.

Before going to the Judicial decisions regarding this question of temple-entry and before we deal with the purely legal aspect of it, let us be sure of the historical, religious and social aspects of the question.

The first thing to be noticed is that these Hindu temples and endowments were all along under the control of the rulers of the country for the time being, Hindus, Mohamedans and Christians as observed by the Madras High Court with reference to the famous Tirupati temple It requires no assurance from me for the statement, that Smritis and Agamas were a dead letter in so far as those rulers and their control was concerned.

The second thing is that it was not through the energy and enterprise of these Smriti-Wallahs and Agama-Wallahs or Varnashramites or Sanatanists that that control came to be transferred to the "Hindu" public by the British Government from 1841 on. As this is a matter of the utmost importance to the student of legal history, and to the layman, too much emphasis cannot be laid upon it.

"When a State was pledged to maintain a particular form of religion" observes Mr. J. C. Ghosh,

"religious institutions of a different religion or sect or educational or charitable institutions intended to advance such religion or sect could not be recognised or protected by it. It is for this reason that in Catholic countries Protestant institutions were not protected by the State and in Protestant countries Catholic Institutions were not recognised by the State. It was for the same reason that the British Government as a Christian Government in 1863 withdrew from the direct supervision of Hindu and Mohammedan temples which it had assumed under the Regulations of 1810."

This reason was in existence even when the British Government assumed control of these Hindu temples and endowments in 1817 (Madras) 1810 (Bengal) and 1827 (Bombay) on the score of mismanagement. That is to say, the British Government was as much Christian and Protestant Christian at that when the control of these Hindu temples and endowments and their revenues was taken up by them, as when it was surrendered about half-a-century afterwards beginning from 1842. Then what was it that actually made them surrender this control, which relinquishment evidently began not in 1863 after the Great Indian Mutiny as may be supposed erroneously, but even earlier in 1842 as in the case of the Tirupati temple—long before any Mutiny at all.

"The superintendence of public religious endowments" writes Dr. Krishnamachariar (in his book on the Madras Religious Endowments Act 1927) "is vested in the sovereign as the Protector of all public

institutions. The Hindu and Mohammedan Governments exercised powers of control over religious institutions and after the downfall of the Mughal Empire and the advent of the British rule, this royal power descended to the British Government. It was soon discovered that the produce of endowments "was in many instances appropriated, contrary to the intentions of the donors, to the personal use of the individuals in immediate charge and possession of such endowments." The British Government, conscious of its duty to provide for the proper administration of all such endowments enacted Regulation XIX of 1810 in Bengal and Regulation VII of 1817 in Madras on similiar terms." (And in 1827 in Bombay).

"These Regulations" comments Mr. J. C Ghosh in his Tagore Law lecture "related generally to public temples and endowments created by preceding governments or individuals and had nothing to do with the Mutts of Sanyasis. The control of the management of these temples, which was vested in the Board of Revenue, was however found objectionable by many. *The objection to the control of the Board of Revenue came not from Hindus but from Christian Missionaries who protested against a Christian government exercising control over pagan temples.* So loud was the out-cry that the Government called for a report from the Collectors in 1841 with a view to transfer the management of religious endowments to qualified individuals.

"About the year 1841" observes Dr. Krishnamachariar "the British Government thought it expedient

that a Christian government should not interfere unduly with the religious institutions of its non-Christian subjects and reports were called for from the Collectors of the Districts as to the best mode of divesting the Government of its management of religious endowments. Accordingly, in the year 1842, the Government handed over management of several religious institutions to trustees who *in most cases had no connection with the endowments*, but who, on account of their piety and position, were expected to manage the endowments with efficiency. Such, for instance, were the temples at Tirupati and Tiruvellore. In order more effectively to carry out their policy and to provide safeguards for the administration of endowments the Religious endowments Act (XX of 1863) was passed."

From these quotations it will be amply clear that it was the Protestant Christian Missionaries who forced the hands of the Protestant Christian Government into giving up this control; which transfer was also made between 1842 and 1863. Our good friends of the Smritis and the Agamas were then nowhere there Why should the Christian Government have given up a considerable source of income hallowed by "the immemorial custom and usage" of their predecessors both Moslem and Hindu?

A study of the then situation and the progress till then made by the Protestant Missions in South India, at any rate, will reveal, why this transfer came to be made by the Christian Government.

Christianity was in danger; Protestant Christian Mission work was at a standstill.... It was necessary to avert that danger to the state religion and it was necessary to give a greater impetus to Missionary work by the Protestant clergy. It was felt, that control by the Christian Government of the Hindu Religious Temples was a handicap to Missionary activities. Let us go into that question first.

CHAPTER XX.

Protestant Christian Missions.

One can never correctly appreciate the present question of temple-entry unless one knows why it was the Christian Missonaries called upon the British Government in India which had a state religion of its own Protestant Christianity--to give up the control over Hindu Religious endowments.

In the beginning of the nineteenth century the learned Roman Catholic Missionary the Abbe Dubois wrote:—

"It is a well known fact that Robert a' Nobilibus a nephew of the famous Cardinal Bellarmin and founder of the Mission at Madura, where he died at the beginning of the last century, converted nearly 100,000 idolaters in that very kingdom. His contemporary the Jesuit Brito baptised 30,000 heathens in the country of the Maravas, where he finally gained the crown of martyrdom. The missionaries

scattered about the other provinces of the Peninsula also laboured hard and with the greatest success to extend Christianity amongst the Hindus. The French Mission at Pondichery numbered 60000 native Christians in the Province of Arcot and was daily making further progress when the conquest of the country by the Europeans took place—a disastrous event as far as the advance of Christianity was concerned. Having witnessed the immoral and disorderly conduct of the Europeans who then overran the whole country the Hindus would no more hear of a religion which appeared to have so little influence over the behaviour of those professing it and who had been brought up in its tenets; and their prejudice against Christianity has gone on increasing steadily day by day, as the people became more familiar with Europeans, until it finally received its death-blow. For it is certainly a fact that for the last sixty years very few converts have been made in India Those still remaining (and their number is daily diminished by apostasy) are mostly the descendants of the original converts made by the Jesui Missionaries. About eighty years ago there must have been at least 1,200,000 native Christians in the Peninsula, while now (1816—1823), at the very utmost, they amount to but one half that number." That is to say, from half a million during the period the Abbe Dubois was writing, the Christian population has within a century gone up to nearly four millions in Southern India or 3,820,625 by the Census of 1931, to be more accurate.

"This holy religion," continues the Abbe "which, when it was first introduced into India 300 years ago,

had only such obstacles as indifference or deep-rooted opposition to contend with, is now looked down upon with unconquerable aversion. A respectable Hindu who was asked to embrace the Christian religion would look upon the suggestion either as a joke or else as an insult of the deepest dye. To such an extreme is this hatred now carried in some parts, that were a Hindu of good repute to be on intimate terms with Christians, he would not dare own it in public."

"A Hindu who embraces Christianity" wrote the same Missionary "nowadays must make up his mind to lose everything that makes life pleasant. He is henceforth an outcaste from society. He must renounce, his patrimony, his right to inherit, his father, mother, wife, children and friends. He is abandoned and shunned by every one."

What was this downfall of Christianity—Roman Catholic though it be—due to?

Sir H. K. Beauchamp, former Editor of the 'Madras Mail' in his Introduction to the Reverend Abbe's Memoirs thus writes about "the Letters on the State of Christianity in India" published by the Frenchman after the latter's return to France in 1823:—

"The purport of these letters (on the state of Christianity in India), as I understand them, was to assert that, under existing circumstances, there is no human possibility of converting the Hindus as a nation to any sect of Christianity; or in the Abbe's own words, "Let the Christian religion be

presented to these people under every possible light—the time of conversion has passed away and under existing circumstances there remains no human possibility of bringing it back." It would require a reproduction of the whole text of these letters to explain fully the grounds upon which the Abbe based a decision so humiliating to himself and his fellow Christian workers, but the chief cause undoubtedly was the invincible barrier of what we may call nowadays intellectual Hinduism, but which the Abbe called Brahminical prejudice. He refers regretfully to the collapse of the Church, with its hundreds of thousands of converts, many of them of high caste, established by the Jesuits Beschi and de Nobili in Madura; but at the same time he made no concealment of the real cause of their failure."—'The Hindus soon found that those Missionaries whom their colour, their talents and other qualities had induced them to regard as such extraordinary beings, as men coming from another world, were in fact nothing else but disguised Ferenghis (Europeans) and that their country, their religion and original education were the same as those of the evil, the contemptible Feringhis who had of late invaded their country. This event proved the last blow to the interests of the Christian religion. No more conversions were made. Apostasy became almost general in several quarters and Christianity became more and more an object of contempt and aversion in proportion as European manners became better known to the Hindus."

"In a word, the Abbe completely despaired of the higher castes ever becoming Christians though

he was ready to acknowledge that there was a harvest-field among the low castes and outcastes."

Brahminical influence, "intellectual Hinduism" was "the chief cause of the impossibility of making real converts to Christianity among the Natives of India."—

The Roman Catholic Missionary again remarked:—

"The Christian religion to which Europe owes its civilization, that blessed and humane religion, so well adapted to alleviate and improve the condition of a wretched people crushed under the yoke of oppression; that religion whose manifest truths have softened the hard hearts of so many barbarous nations—has been preached without success to the Hindus for more than three hundred years. *It is even losing day by day the little ground which it had once gained*, against a thousand obstacles, through the zeal and persevering efforts of many virtuous and zealous missionaries. The seed sown by them has, in fact, fallen on stony ground. It must be acknowledged that the conduct of the Europeans who have been brought up in the profession of Christianity and who are now to be found all over India, is too often unworthy of the faith which they are supposed to profess; this scandalous state of affairs, which the natives of India can in no way explain, is a powerful factor in increasing the dislike of the latter for a religion which apparently its own followers do not themselves respect."

About 1824, therefore, the Abbe Dubois despaired of ever making converts to Christianity in the future;

that even converts were becoming or had become apostates or deserting Christianity and that there was no future for Christianity. These statements coming from a French Jesuit were hotly resented by Protestant Missionaries and an acute controversy arose over it.

"The French Jesuits" wrote Bishop Caldwell (of the S. P. G. Mission) in 1849 directly aiming at the Abbe Dubois, "instead of endeavouring to raise the Hindus to their own level, have sunk to theirs'. They have adopted not only the dress, manners and mode of life, but even the caste prejudices and low predilections of the people they came to improve. This course may have gained for them the attachment of the Hindus; but it has forfeited their respect How can they respect persons who sink from a high civilization to their own low grovelling level; who copy where they should teach and obey where they should command; who neither establish schools nor instruct adults but content themselves with performing masses and heading processions by torch-light? In consequence of these things Romanism, as actually existing in these parts, is powerful only for the perpetuation of evil. It makes no converts from heathenism and is considered by heathens themselves as an heathenish ally." Again the Bishop observed:— "The genius of Romanism is unfavourable to improvement. The work of introducing the elements of education among Xavier's converts has not yet been commenced and not so much as one Chapter of the New Testement has been translated into Tamil during the three hundred years that have elapsed since the Romish

Missions were established!! Consequently, it may not only be asserted but proved, to the satisfaction of every candid inquirer, that in intellect, habits and morals the Romanist Hindus do not differ from the heathens in the smallest degree."

But the learned Abbe acknowledged "that there was a harvest field among the low-castes and out-castes"—even though the Brahminical influence had permeated everywhere and even after conversion to Christianity.

"In the course of the investigation engendered by the Census (Mysore 1891) several Roman Catholic Communities have been met with, which continue undisturbed in the rites and usages which had guided them in their pre-conversion existence. They still pay worship to the Kalasam at marriages and festivals, call in the Brahmin astrologer and Purohita, use the Hindu religious marks and conform to various other amenities, which have the advantage of minimising friction in their daily intercourse with their Hindu fellow-caste brethren." So wrote the Census Commissioner of Mysore in 1891.

Sir S. Radhakrishna narrates the following in his book, "The Hindu View of Life":—

"It is related of an Indian Christian convert who attended the Church on Sunday and the Kali temple on Friday, that when the Missionary gentleman asked him whether he was not a Christian, he replied: "Yes, I am, but does it mean that I have changed my religion?" Hindu converts to other faiths frequently

turn to Hindu gods in cases of trouble and sickness presence or dread of death: Outer professions have no roots in inner life. We cannot alter suddenly our subconscious heritage at the bidding of the reformer?

Recently a caste Hindu had taken a suit for framing a scheme in connection with the village temple which housed a large number of lower deities. Subsequent to the filing of the suit, he became a convert to Christianity; but was not prepared to drop out of the litigation. The opposite party becoming aware of it, placed before him the alternative of either remaining a Hindu and continuing the suit; or remaining a Christian and dropping the suit. Well, he chose to cling to the village gods and gave up Christianity, in the presence of the European Missionary who had baptised him and who had to appear in Court.

But he (the Abbe Dubois) also pointed out on what this Brahminical prejudice against Christianity, was based.

"The Christian religion commands the approbation of Brahmins in several respects. On the other hand as Christianity condemns most of their customs and superstitions, it has on that account become most hateful to them. The Hindu who embraces it is not considered to belong to the same nation as themselves, because his new religion forces him to reject these customs and practices which they regard as the link binding them all indissolubly together. The punishments of hell, exclusion from the Abodes of

Bliss and regenerations in vile bodies are reserved only for those who have done some injury to these hypocritical and selfish persons or who have not helped to enrich them. Robbers, liars, murderers, indeed the greatest criminals are sure of immunity after death, provided they give presents to the Brahmins or contribute in some way to their worldly comfort".... "I once had a long conversation (continues the Abbe) with two of these Brahmins who gain their living at the expense of the credulous public snd they ended by agreeing with me as to the superiority of the Christian religion over the absurdities of their own theogony. "All that you say is reasonable and true," they repeated several times. "But then" I replied, "if all that I say is reasonable and true, it follows that all that you say to the people must be false and ridiculous ' "That also is true", they admitted, "but these lies comprise our livelihood. If we were to expound to the people only such truths as you have just been telling us, how should we obtain the wherewithal to fill our stomachs."

The problem which faced the Protestant Missionaries in South India was the Brahmin. Even the low castes and outcastes, among whom there was a "harvest field", were being influenced by Brahminism. If only these low castes and outcastes could be weaned out of the Brahminical influence, it would be a very rich harvest indeed. So thought the Protestant Missionary. And how could that weaning be done? The Brahmin and the Caste Hindu will have to be satisfied in his material comforts. Let the Hindu

temples go to the Brahmin—the "intellectual" Hindu. Anyhow that is what has happened as the result of Act XX of 1863. And the Hindu outcastes and low castes, are in No Man's Land, to use a phrase of the Great War, neither in Christendom nor in Hindudom.

The following preguant passages are taken from a book written by Bishop Caldwell, in 1849, in which ways and means of better Christian proselytisation are suggested.

"The followers of the Brahminical system profess to believe in 330 millions of gods, but in the majority of cases do not care a pin about any of them. He is punctiliously attentive to his religion as a system of observances—as a *religion* in the primitive meaning of the term He never forgets his ablutions, his holy ashes or any of the thousand and one ceremonies which sanctify his domestic life; but ordinarily he has not the smallest iota of belief in the divinites he so elaborately worships. He is forward to tell you that he is not so dull-witted as to believe that any of them exist; and, if he have picked up a religions philosophy, he will aver that nothing really exists. Brahma, Vishnu and Siva are a delusion; virtue and vice are a delusion; all is a delusion"

As regards the Brahmin's reverence for the diety, the Abbe Dubois wrote thus:—

"There is a well-known Hindu proverb which says "A temple mouse fears not the gods." This exactly applies to the Brahmins who enter their temples without showing the slightest sign of serious

thought or respect for the divinities who are enshrined in them. Indeed they often choose these particular places to quarrel and fight in. Even while performing their numerous religious fooleries their behaviour shows no indication of fervour or real devotion. As a matter of fact their religious devotion increases or diminishes in proportion to the amount of profit they expect to make out of it and it also depends upon the amount of publicity surrounding them. Those deities who do not contribute towards the welfare of their votaries here below only receive very careless and perfunctory worship" "Are these self-same Brahmins" asks the Abbe "really so devoted to the religion of their country and to the worship of these deities? Well, this assertion may appear paradoxical, I should say, that of all Hindus, they care the least and have the smallest amount of faith in them."

"The Shanar, on the other hand," writes Bishop Caldwell, "worships sincerely the demons his frightened fancy has conjured up. He believes and trembles ..... So deeply rooted in the Shanar is this belief in the existence and power of demons that, as has been already observed, even after they have become Christians many of them continue to dread old "idols of the den."......*It must be obvious that the sincerity of the belief entertained by the Shanars in their demons*, though productive of superstitious gloom and incompatible with a high cast of thought, *is morally a more promising feature of mind* than the conceited rationalism or universal scepticism of the Brahmanical higher castes and *capable of being*

turned to better account...... It acts as a counterpoise to their stupidity, timidity and fickleness; and I have no doubt but *that it is precisely this feature* in their character which more than any other cause' has contributed to bring them under Christian influences, *when the higher castes keep aloof*, and makes them the most reverential, submissive and easily disciplined of all native Christians." "The longer I have observed the characteristics of the various castes" comments the same Bishop "I have been the more convinced that as regards deceit, especially deceit in matters of religion, the Shanars must yield the palm to the high castes; and the high castes and all castes to the Brahmans." Now one can see why Brahmins, who have nothing to do with these public temples, wanted these temples for their comforts and got them also.

CHAPTER XXI.

Effects of the change.

It certainly cannot be said that Englishmen could have failed to foresee what has happened just now when they handed over the control of these Hindu temples and Endowments by Act XX of 1863, if only they had read their "Abbe Dubois" whose book was purchased by the East India Company for the edification of the Company's servants.

For the Abbe Dubois had mentioned it very clearly that the Brahmin was the master of the social

situation in South India and that the Sudra was something of a veritable fool, superstitious and stupid and entirely under the religious influence of the Brahmin. And he had further emphatically asserted, that no more conversions can be had either from the Brahmin or the Sudra—which were the only two communities or castes which existed in South India; or from any caste Hindus whatever; that the harvest was among the low castes and outcastes who were euphemistically, then as now, called Hindus. And in the background, there was the Protestant Christian Missionary athirst for proselitising work. For in 1863, nobody who knew his Abbe Dubois could have made any mistake at all about it, that whatever was intended for the Hindu, including all, touchables or untouchables, castes and outcastes, would come to be usurped or monopolised by the ubiquitous Brahmin, and other caste Hindus upon some pretext or other, legal, social or religious—but not on moral or equitable or justifiable grounds.

It becomes necessary to inquire why it was the British authorities took control, at first, over Hindu temples and endowments.

"We have nothing in the Smritis to show that the state excercised any control over endowments and trustees created by private individuals" writes the great Bengalee lawyer Mr. J. C. Ghosh, who is evidently much more familiar with North Indian temples than those in the South. He continues: "But we have seen before, that in Kautilya's Arthasastra we find the king made temples and other places of

worship a source of profit. The great temples were mostly built by kings and were under the supervision of the State. There is no evidence that the state excercised any control over private Debutter. Under the Mohammedan law, however, the law of trusts was more developed and the Mohammedan Courts excercised some control over Wakfs or religious and charitable trusts and Wakifs i. e.; trustees. It was probably the influence of Mohammedan lawyers that developed the law of trusts among Hindus to a greater degree than in ancient times. The Hindu kings also, in imitation of the Mohammedan rulers, began to excercise some degree of control over endowments and trusts other than those created by themselves. West and Buhler, as well as Steele, were of opinion that under the Hindu and Mohammedan governments the courts of the country had jurisdiction over endowments and trusts. It has been laid down by the Privy Council that the British Government by virtue of its sovereign power possesses, as the former rulers of the country did, the right to control all public religious endowments and to redress abuses in the management of such endowments and of all charities. The king is to be considered *parens patria*, protector of every part of his subject. It was sometimes doubted whether the Civil Courts established by the British Government had any jurisdiction over Hindu endowments. It was however, very early decided that they had jurisdiction to prevent breaches of trusts and could excercise some degree of control over trustees"

"Before 1810, the Civil Courts excercised a sort of a general power of supervision over trusts. In 1810, on account of the scandalous mismanagement of certain temples a regulation, Reg. 19 of 1810 was passed in Bengal, placing these endowments under the direct supervision of the Board of Revenue."

"Similiar Regulations, Reg 7 of 1817 (Madras) and Regulation 17 of 1827 (Bombay) were passed for Madras and Bombay."

The Privy Council also stated:—"It is also to be remembered that a "trust" in the sense in which the expression is used in English law, is unknown in the Hindu system, pure and simple. The conception of a trust apart from a gift was introduced in India with the establishment of Moslem rule. But the Mohammedan law relating to trust differs fundamentally from the English law. It was in view of this fundamental difference between the judicial conceptions on which the English law relating to trusts is based and those which form the foundations of the Hindu and Mohammedan systems that the Indian Legislature in enacting the Indian Trusts Act (II of 1882) deliberately exempted from its scope the rules of law applicable to Wakf and of Hindu religious endowments."

So that when a Hindu lawyer or Judge uses the word "trust" you can't say what he means by it. And then politicians also have of late begun to use it as when Mr. Winston Churchill says: "We British are the "trustees" of the ignorant, illiterate masses" of

India. Then again, as in Travancore, it is sometimes said that the sovereign is the "trustee" and only that, in so far as the Hindu Temples, which are under the control of the State, are concerned, (which temples also were brought under State control at the same time as in Bengal and Madras about 1810. A very curious coincidence, and more so, when it is remembered that it was done at a time when a Britisher, Colonel Munro, was both Resident and Dewan) Leaving "trust" alone which may perhaps delight the heart of a lawyer and not a layman—what we have to notice is that the control which the British Government chose to exercise over all Hindu temples was a right inherited, or at least an idea borrowed, from the previous Mohammedan rulers. The Hindu rulers also did exercise control over temples—not that the Smritis sanctioned it—but that they chose to follow the sage advice of the Hindu Machiavelli, Chanakya

This control by the Sovereign was not as a "trustee" at all; but as part of the duty of the sovereign as was observed in an early Bombay case "to protect all religions but to interfere with none" It is on this legal basis that control of both Hindu temples and Mohammedan Mosques came to be taken up in 1810 by the Christian Government in British India or as the lawyer puts it on account of the "scandalous mismanagement" attending these endowments. This is the ostensible reason, though no doubt as the Travancore historian very naively adds (when that State assumed control in about 1810)—"this measure

was also the means of causing a permanent additional revenue to the State, for, after meeting the expenses of the various Devaswoms, it left a good margin in favour of the Sirkar." The margin in favour of the British Government must have come up to a respectable amount of several crores of Rupees—even though it has not been investigated by the Congress Committee asked to report on the financial obligations between Great Britain and India.

"Amonst the difficulties which render impossible a full analysis of the financial transactions throughout the period of the Company's regime in India" writes Professor K. T. Shah in his Annexure to the Congress Committee's report "resulting in the so-called Public Debt of India, the most considerable is that caused by the complications of commercial and territorial branches of the East India Company's operations and their mutual debits and credits. These are so mutually complicated and involved that the student must give up all hope of disentangling these overlapping items of mutual credit and debit and presenting a clear and distinct account in either branch of the Company's transactions."

"*Since the y ar 1783*," the Congress Committee's Repor itself states, "*the surplus revenues from the territories administered by the East India Company, were for all practical purposes, appropriated by them towards the commercial side and must have eventually been distributed amongst the shareholders*" So that the offerings made by all castes and classes to Sri Venkateswara at Tirupati,

for instance, must have been distributed to English men in England as later they came to be distributed between the Mahant and the Brahmins in India. That is a different story any way.

Therefore these Hindu temples were taken charge of by the British Government in order to protect the Hindu religion—to propogate which these endowments were founded—unwilling though they might have been—as these were "pagan' temples and they had an established Church of their own and were further a Christian power

This control continued for a period of 50 years and more. They gave up this control because the Christian Missionaries objected to it. But, as will be pointed out later on, as sovereign power in India, they cannot give up their duty to protect all religions including Hinduism and if for any reason and under given circumstances it becomes necessary to interfere with a religion—as when it is being threatened with extinction owing to the tyranny of a minority—sure enough, the precedents are in favour of their so doing it in spite of the Queen's Proclamation which has no bearing on the subject at all.

Said their Lordships of the High Court in the above Tirupati case:—

"Upon the facts of this case, the Mahant is not a trustee deriving his power of management under the constitution originally laid down a century ago As already pointed out, the institution was completely under the control of the public authorities

up to 1843 and when the management was transferred to the Mahant in that year, it was an arrangement made by the Board of Revenue in whom the control of such institutions was then vested under the Regulation of 1817. In other words the arrangement was analogous to a scheme settled by a lawful authority and therefore quite liable to be varied by *that* or other authority, legally competent so to alter or modify it." To use layman's language these hereditary trustees are mere creatures of the Board of Revenue; it was by a Departmental arrangement that the Mahant was appointed; it is always open to the Government to make any other arrangement they think fit-either through the judiciary or the legislature or by the executive itself.

Even though the Government took up the control of these temples on account of "scandalous mismanagement" and even though they parted with that control on grounds of religious "nentrality" let us see what happened subsequently.

The famous temple at Tirupati one of the earliest to be given up by the Government (in 1842) will furnish a good instance of what happened subsequently in so far as the question of management was concerned.

In the Tirupati Temple case (reported in I. L.R. 28 Madras 379) their Lordships of the Madras High Court (consisting of Subramonia Aiyar and Davies J.J.) observed:—

"The temple of Sri Venkateswara in Tirumalai or Tirupati in the North Arcot District is a very

ancient Hindu temple to which worshippers resort from all parts of India and is in receipt of an annual income of 2 to 3 lakhs of Rupees. Prior to the establishment of the British Government the management of the institution was directly under the ruler of the country for the time being. After the advent of the British, the management passed into the hands of the East India Company and subsequent to the enactment of Regulation VII of 1817 of the Madras Code, it was carried on under the control of Board of Revenue through the Collector of the District. With reference to a despatch of the year 1841 from the Court of Directors ordering the immediate withdrawl from all interference on the part of officers of Government with native temples and places of religious resort, the management of the temple was in 1843 made over to Seva Doss, the head of a Mutt called Hathiramji Mutt, situated in the town of Tirupati at the base of the hill on which the important shrine stands. In the "Sannad" by which this transfer of management was effected, it was provided that Seva Doss' successors in the Mutt should be his successors as 'Vicharanakarta or Manager of the Temple".

At this stage, it is well to remember what Dr. Krishnamachariar has said about it in general; " the Government handed over management of several religious institutions to trustees who in most cases had no connection with the endowments, but who on account of their piety or position were expected to manage the endowments with efficiency".

There is no knowing what happened on that fine morning when Seva Doss was selected by the Collector but as a Byragee, perhaps he was smoking piously and his position was in the Mutt at the foot of the hill. Seemingly Seva Doss had as much to do with the founding or endowing of the temple as the Collector who transferred it to him.

"Now, when in 1843 the management was transferred to Seva Doss" continued their Lordships "it was, no doubt, expected that the management by the Mahant would prove satisfactory, but the history of what took place, subsequent to Seva Doss' death is, to put it shortly, a record of waste and embezzlement.'

"It may be here pointed out" said their Lordships, perhaps painfully "that the Mahant as well as the Byragees who formed the fraternity of the Hathiramji Mutt are not natives of this Presidency but come from the Northern parts of India. The Mahants, so far as appears in the evidence in the case, have not been men of any education and are celibates supposed to have little or no concern with worldly affairs." That Collector seems to have been a Haroun-al-Raschid on the look out for some one to be made a King for twenty-four hours.

"The present Mahant" continued their Lordships "was brought down from Northern India only after the death of his predecessor in 1900 and was then a minor under 18 years of age, unacquainted with even the vernacular of the country. With reference

to the actual administration of the affairs of the temple, the Mahants are more or less dependent upon the Byragees of the Mutt and it is not surprising that they have proved altogether inefficient as managers' as also in most cases, dishonest They possess no private property from which the temple can be recouped in respect of the embezzlement committed by them."

So, for the first 50 years, when Tirupati temple was with the East India Company, the surplus income which was cleverly husbanded after practising the severest economies and which came to 2 to 3 lakhs per annum—in all more than one crore of Rupees—reached, to use the happy language of the High Court of Madras, the "public authorities." There was no question of embezzlement (as a matter of fact there is the appreciation of Mr. J. C. Ghosh, that it was a "just control); no doctrine of "*cypres*" over which learned lawyers including Advocate-generals sometimes break their heads. That one crore of Rupees and more was "Public" money and spent as such by the "Public authorities" upon the "Public." There is an end of "*Cypres*" which is another bogey for the layman.

When we come to the next 50 years, we hear of such things as waste, embezzlement, dishonesty, inefficiency and even illiteracy from the mouths of learned Judges It may be noted in passing that the worshipping public who actually pay, never complain and never have complained about what happens to

their monies. As observed by Justice Seshagiri Iyer in a well-known reported case (1919 M. W. N. 899):—

"Stress was laid on the fact that the public never asked for an account of the Hundi collections Persons who are conversant with the habits of the people in India can attach no importance to this fact A Hindu after having made an offering to the Deity never troubles himself about its application. He considers that his duty is ended and that if persons who are entrusted with the control of those offerings do not behave as they ought to, the Deity would look to their punishmsnt and that he has no further concern with it. This is the general attitude of the people".

But, continued the learned Judge, Seshagiri Iyer J. "with the spread of education, no doubt, a new ideal has come into existence. The educated public now wants that the offerings should be devoted to the proper purposes of this institution. That shows the awakened consciousness of the people and accounts for the institution of a large number of suits for framing schemes."

And what did the High Court do in the Tirupati Temple case to check the uncontrolled waste and embezzlement going on under the Mahant. In the old days, the Government through the Board of Revenue or some of its Departments would have assumed control of these institutions. But, these were "pagan" temples and consequently they were unwilling to do it; and on the other hand, the "educated Hindu public" would

have cried out "religious neutrality! Queen's Proclamation!" "And we know how to manage them; leave them to us."

"Unless steps are taken to impart real efficiency" said his Lordship Subramonia Iyer J and another "it is impossible to safeguard the interests of the institution. We agree, therefore, with the District Court that this is a fit case for the Court sanctioning a scheme. And it may be added that Sir V. Bashyam Aiyangar who appeared for the Mahant both in the lower Court and here did not take any objection to a scheme being sanctioned."

The only thing to be noticed is: that this same learned Judge, Sir Subramonia Iyer, later on came to interest himself in that wonderful institution known as Dharma Rakshana Sabha, for the purpose of filing scheme suits. If the transfer of control by the British Government to trustees and Temple Committees was bad enough, these schemes framed by the Courts did not improve matters. In the statement of Objects and Reasons for the Madras Hindu Religious Endowment Act, 1923, it was observed by the Government:— "During recent years a considerable number of schemes have been settled by Courts for the administration of specific religious endowments, many of which have proved unsatisfactory and it is felt in many quarters that administration under some of those schemes is even worse than administration under the Act of 1863". We are dealing with this "Scheme suit" business later on in this book also.

And the High Court proceeded to frame a scheme which was to serve as a "model" scheme for future framers of "schemes" — the main features of which were:—(a a *caste* Hindu to be appointed additional trustee (b) Rs. 24,000/- per annum to a sanskrit College for instruction in Shastras (to which of course, only Brahmins could be admitted) (c Rs. 12,000/- in prizes for proficiency in Shastras In short it was an arrangement by which the South Indian Brahmin — who again had as much to do with the foundation and endowments of the temple as either the Board of Revenue or the Mahant— was to share in the general spoliation which was going on. (No doubt, this actual scheme was considerably modified by the Privy Council) We need not pursue the subject in so far as to what happened to the Tirupati Temple in later years owing to legislative activity — except to point out that the Non-Brahmin caste Hindu has all along wanted to share the spoils along with the Brahmin. The masses of the Hindu public were very studiously, systematically and callously left out. And all this time the British Government, which in 1810 had assumed control of these temples and endowments on account of "scandalous mismanagement" had never since 1842 lifted its little finger when this daylight robbery and dacoity by Mahants and Trustees and Receivers was going on and when the benefits of that religion were coming to be shared by a very small oligarchy of the Hindu public; and worse than all, when the surplus income from having been once an all India "public" revenue has gradually become the "party

fund" of the caste Hindu public; and if the Church of Scotland case, relied upon by Muthuswamy Iyer J, is to be followed, it may even become the "party fund" of the Varnashramite or Sanatanist. And that is exactly what he is fighting for.

The subsequent history of these Hindu Temples and Endowments, after their control had changed, has been one long drawn out struggle as between the higher castes themselves, who were certainly the richer and more influential, leaving out their poor brethren the Lower Castes, the out castes, the untouchables and the others of the Depressed Classes among the Hindus—out in the cold. And these latter were warmly received by the Christian Missionaries. And in this glorious work undertaken by these Christian Missionaries, quite properly, as part of their programme, they always espoused the just rights not merely of those Christian converts drawn from the poorer depressed classes but even of those poorer classes who still clung on to Hinduism and not merely refused to become Christians but even gave trouble to Christianity and even though they were in turn only receiving kicks from the caste Hindus.

As this is a very important matter in an historical study of this legal question, it would be better to devote some attention to it. And the Missionary activities in Travancore will illustrate in full measure the point I have above taken.

CHAPTER XXII.

(Travancore and Christian Missions).

From the Nadar Temple-Entry case—about the purely legal character of which, we shall deal later on,—certain judicial observations made therein will be taken for illustrating our position now going to be formulated.

Our position is that the majority of the Hindus were left without any protection from Hindu law. religion, equity or society, which helpless condition was taken advantage of by the Christian Missionaries.

"There is no sort of proof, nothing we may say that even suggests a probability that the Shaners are, as the defendants contend, descended from the Kshatryas or warrior caste of Hindus or from the Pandia, Chola or Chera race of kings and the futile attempt of the Shaners to establish the connection has brought well-deserved ridicule on their pretensions." Thus said two English Judges of the High Court of Madras.

With respect, one cannot but regret the ridicule: as to whether it was well-deserved or ill-deserved, we shall leave it to those who know anything about geneology—hunting in India, England and even America. Most of the Maha Rajhas today in India are tracing it to the sun and the moon!

Speaking of the situation in India during the close of the eighteenth century, Mr. K. M. Panikkar observes:—

"In India it was the age of camouflaged royalty when independent sovereigns with rights of peace and war aud unrestrained dominion claimed to be merely slipper-bearers and servants. The Peishwa who had reduced the decendants of Sivaji to the position of a pensioner was content with the title of Pandit Pradhan and his succession had to be regularly recognised by his nominal sovereign at Satara. When a Brahmin envoy of Haidar Ali to the Court of Poona was reproached for representing an usurper, it was mildly pointed out that he was only following the example of more illustrious durbars. When Mahadaji Scindia, who was virtual ruler of Northern India, visited Poona, he took with him a pair of slippers which he humbly placed before the Peishwa and stood with naked feet at a distance. In 1803, when Sicunder Jah ascended the Gadi in Hyderabad, he had it recognised by the King of Delhi who was virtually a a prisoner and in fact a prisoner of the British with whom the Nizam was in equal alliance." There are skeletons even in royal cupboards.

Many an Englishman is fond of taking it to William the Conqueror. Americans are alwavs attempting to get at the Pilgrim Fathers Some of the claims may be well-founded and some may be false. It is a matter for historical and not legal research. But one would humbly submit with due respect to sminent Judges that there was no occasion for any ridicule.

"Their own local traditions connect them with the toddy drawyers of Ceylon whence the Tiyans or toddy drawers of the West Coast are also supposed to

have immigrated. There are no grounds whatever for regarding them as of Aryan origin," continued the same English Judges. But later on, another distinguished Brahmin Judge of the same High Court said "Brahmana Hindus are not so predominantly Aryan in blood and non-Brahmana Hindus are not so predominantly non-Aryan in blood as usually assumed and I am not satisfied that Dravidian is opposed to Aryan. A non-Brahmana or Dravidian does not, at all therefore mean to my mind a pure non-Aryan, and so far as Southern India, atleast, is concerned a Dravidian does not connote a Non-Aryan". "These are, however," continued that eminent Judge in all sobriety "large controversial questions and I feel diffident to express decided opinions on them". But in the days of the Nadar Temple-Entry case, decided opinions were the order of the day, however largely controversial they might really be. But the point is, note the ridicule cast in all seriousness upon a large and respectable community in South India.

There is what is known as Judicial advice: given gratis: practising lawyers are familiar with it. The judicial Committee of the Privy Council has always discountenanced it. It blesseth neither him that gives it nor him that receives it. Lawyers call it *obiter dicta*; laymen may call it Journalese. We may have to refer to it later on.

"No doubt" continued the same learned Judges of the Madras High Court" many of the Shanars have abandoned that occupation (the manufacture of intoxicating liquor and the climbing of palmyra and

cocoanut trees) and have won for themselves by education, industry and frugality, respectable positions as traders and merchants, even as Vakils and clerks and it is natural to feel sympathy for their efforts to obtain social recognition and to rise to what is regarded as a higher form of religious worship; but such sympathy will not be increased by unreasonable and unfounded pretensions and in the effort to rise must not invade the established rights of other castes. They have temples of their own and are numerons enough and strong enough in wealth and education, to rise along their own lines, and without appropriating the institutions or infringing the rights of others and in so doing they will have the sympathy of all right-minded men and if necessary, the protection of the Courts"

To put it shortly, Nadars were directed "to raise along their own lines"; not to assert their common rights, if it means an infringment, fancied or real, of the rights of others; and when these Judicial commandments are obeyed by the Nadars, there will be the protection of the British Courts for them.

It is these "rights" of the caste Hindus which cause considerable trouble to the historian, the statesman and the lawyer. In order to appreciate fully, these claims of the caste Hindus, I shall cite some historical instances from Travancore in which such similar rights were claimed by the caste Hindus.

The point gains just now considerable importance, as we know that similar rights are being exercised or

attempted to be exercised by caste-Hindus, even today, as against their humbler brethren—in British India. We shall see why it happened, later on.

CHAPTER XXIII.

Public rights over woman's dress.

The custom of females covering the upper parts of their body on the West Coast is historically ascribed to Mahomedan influence. One Mogul Sirdar who captured Trivandrum (Travancore state) about 1689 A. D. insisted "that Sudra females should encircle their bodies with a cloth like the males and abandon the dressing in vogue among their sisters in the north and further that females should cover their bodies when they get out of doors".

"The higher orders of Sudras" writes the historian of Travancore "retained the observance of the females covering their shoulders".

The lower classes in Travancore, till very recently were not to have the upper part covered especially females. That was one of the "rights" which the caste Hindus claimed in Travancore as peculiar to themselves. Throughout Travancore, till a few years back when Mr V. P. Madhava Rao, the Dewan, put it down, the practise was that Nair girls who were servants of the temples, had to go semi-naked with their breasts uncoverd in front of the idols. That was

one of the religious observances which the caste Hindu worshipper had a partiality for.

Let us narrate the trouble which arose in Travancore out of this "upper cloth" incident in the historian's own words—at about the time when the Hindu Religious Endowments in British India were being transferred to temple committees and trustees.

"Reference has already been made" writes the official historian of the State, "to the establishment of the London Mission Society in South Travancore and the great toleration afforded to the Christian Missions by the Travancore Government that led to the rapid spread of Chistianity in Nanjinad. The result was that the Shanar converts (it may be observed here that the Mission work of conversion was mostly if not exclusively confined to the Shanars, Pariahs and other low caste people who were looked down upon by the high caste Hindus, relying upon the support of the missionaries caused great annoyance to them. The *casus belli* in this case arose from the Shanar Christian females assuming the costume of high caste women By long-standiug custom, the inferior classes of the population were forbidden to wear an upper cloth of the kind used by the higher classes. During the administration of Colonel Munro, a circular order was issued permitting the women referred to, to cover their bodies with Jackets (Kuppayam) like the women of Syrian Christians, Moplas and such others, but the Native Christian females would not have anything less than the apparel of the highest castes. So they took the liberty of appearing in public not only with

the Kuppayam already sanctioned, but with an additional cloth or scarf over the shoulders as worn by the women of the higher castes. These pretensions of the Shanar convert women were resented by the High caste Nayars and other Sudras who took the law into their own hands and used violence to those who infringed long-standing custom and caste distinctions."

"The proclamation of 1829" observes the same historian "clearly permitted the female Shanar converts to cover their bosoms with a jacket as decency required but strictly prohibited their adopting high-caste costume But the Shanars still persisted in setting at defiance the high-caste Hindus and made themselves odious to them. In this they were encouraged by the Missionaries" "In December 1858 A. D. the two communities had assumed hostile positions against each other and troubles of a serious nature broke out The Sudras openly attacked the Shanar women who dared to appear in public in high-caste costume and the Shanars duly retaliated".

"The aim of the converts" writes the Nair historian of 1878 "has been persistently to defy the higher class Hindus and to despise their brother Shanars, who professed Hinduism (certainly with a hidden motive) and the converts were supported all along by the Missionaries whose intention was apparently to introduce English customs as if they were in civilized England and not in Travancore. They also claimed perfect toleration and liberty for their converts without taking into consideration the time, the country,

the nature of the Government and their own position in foreign land."

"It is obvious that as long as the Proclamation of 1829 is in force, the Shanars, both Hindu and Christian, are bound to conform to its provisions; that no section of the subjects can be permitted to infringe a law affecting the great majority of the people, on the ground, that in their opinion, the law ought to be changed; that the only legitimate course open to them is to continue to submit to it and formally to apply to the Sirkar for a change with such facts and arguments as they may have to urge in their favour. On these considerations a public warning was given on the 27th December last to the effect that existing rules and usages should be respected; that if any class of people desired a change, they should represent the case to the Sirkar and await its decision; that, on the other hand, on no account should breaches of the peace be caused."

"This of course" continues the same historian, "did not satisfy the Missionaries who considered the Dewan's action as a proof of his gross and unconcealed partiality to the high-caste Hindus. They then petitioned first the Maharajha and then the Government of Madras, to cancel this and the previous proclamation and substitute a more decidedly favourable and liberal one."

The then Governor of Madras, Sir Charles Trevelyan wrote to the British Resident in these terms:-

"I have seldom met with a case, in which not only truth aud justice, but every feeling of our com-

mon humanity are so entirely on one side. The whole civilized world would cry shame upon us, if we did not make a firm stand on such an occasion. If anything could make this line of conduct more incumbent on us, it would be the extraordinary fact that persecution of a singularly personal and delicate kind is attempted to be justified by a Royal proclamation, the special object of which was to assure to Her Majesty's Indian subjects liberty of thought and action, so long as they did not interfere with the just rights of others. I should fail in respect to Her Majesty, if I attempted to describe the feeling with which she must regard, the use made against her own sex, of the promises of protection so graciously accorded by her. It will be your duty to impress these views on His Highness the Maharajha and to point out to him that such prohibitions as those conveyed in the Circular Order of May 1814 or in the Proclamation of 3rd February 1829, are unsuited to the present age and unworthy of an enlightened Prince."

Upon this Minute of the Governor of Madras, the Brahmin historian of the State writes thus:-

"This powerful minute was evidently written under the impression that the privelege of covering the bosom had been entirely denied to the Shanar convert females. Such however was not the case. The demands of decency had already been met, but the disturbance arose from the attempt of Shanar women, Hindu as well as convert, *to assume the costume of the women of the higher castes. This became the inflamable material connected with religion*

and caste which nearly caused a g neral conflagration in Travancore."

The net result of this controversy was:—

"A Royal Proclamation was accordingly issued on 26th July 1859, abolishing all restrictions in the matter of the covering of the upper parts of Shanar women and granting them perfect liberty to meet the requirements of decency any way they might deem proper *with the simple reservation*, however, that they should not imitate the dress of the women of the high castes". That law seemingly holds good even today.

On this, the Secretary of State for India wrote on the 18th August 1859:—

"It is unnecessary to recapitulate the circumstances attending the outbreak occasioned by the assumption on the part of certain Shanar women of the garment known as the "upper cloth". Public tranquility has now been restored and it is hoped that the measures adopted by the Travancore State will prevent the recurrence of these painful disputes and embarassing disturbances. With this concession (granted by the Proclamation of 26th July 1859) though it falls short of what you originally contemplated, you deem it expedient, under the circumstsnces stated, to be satisfied and I am of opinion that you are right in accepting the proposed concession and earnestly hope that it will have the desired effect."

But even this happy ending seems to have left a painful impression in Travancore. "The unfair ani-

madversions of the Missionaries cast a reflection on the reputation of the Maha Rajha and of his Government and created an unfriendly feeling between them and the Hindus who charge them with want of gratitude, after they had been allowed to work freely and open Missions in their land."

What was the attitude of the Government of Travancore towards those Hindu Shanars (Madras) who resisted conversion. The Dewan wrote of them on 12th Feb. 1859.

"It was reported that the Shanars of the Agastiswaram District were raising men and money and proposed combined and systematic resistance to Sirkar authority and the plunder of the villages and towns. It was also clear that they had solicited the co-operation of the Shanars residing in the District of Tinnevelly in the vicinity of our frountier The Shanars probably influenced in a measure by the recent events in the contiguous District of Tinnevelly, would by all means bring the upper cloth into use. The Christian Shanars appear to have taken the lead, though they had less cause for complaint, the proclamation in question permitting their women to use jackets, which have been on all hands acknowledged as a more decent covering than the upper cloth. But they probably desired a total abolition of all restrictions as to dress and calculated upon the sympathies and support of the European Missionaries residing among them."

"The Sudras forming the majority of the population" wrote Sir. T. Madhava Rao, "under the influ-

ence of caste feelings, which you know have least relaxed in force in Travancore and feeling that the Proclamation of the Sirkar was on their side and probably interpreting Her Mejesty's Proclamation too much in their favour, equally resolved to put down the innovations attempted by the 'Shanars."

What do we learn from this disgraceful episode?

It was the European Christian Missionaries, who, as against the fanatical, mad, ignorant and superstitious caste Hindu, went to uphold the most elementary rights of decency of not merely Nadar converts, but Nadar Hindus The Travancore historian suspected that that espousal of the cause of Nadar Hindus by the Missionaries to have been made in the interests of Christian conversion. The Christian Missionaries carried the matter before the Suzerain Government and fought it to a successful finish. The Nadar Hindus, who resisted the support of these Christian Missionaries in this controversy, and who took it upon themselves to fight it out for themselves, came to be treated by the caste Hindus as traitors and conspirators. The caste Hindu Nadars were between the Devil and the Deep Sea. If they still called themselves Hindus, they must conform themselves to being slaves under the guidance of Hindu society and religion. "You may breed cows and dogs in your house" writes Mr. M C. Rajha "you may drink the wine of cows and swallow cow-dung to expiate your sins but you shall not approach an Adi-Dravida" (an untouchable).

"The Adi-Dravidas" continues Mr. Rajha "are still denied the use of public wells and tanks and at

the same time stigmatised as unclean. They are still kept out of schools and Colleges maintained from public funds and at the same desapised as ignorant and illiterate. They are still shut out from temples and yet branded as ungodly and unfit to associate with. For access to public roads and even for spaces to bury the dead they have to depend very much on the capricious benevolence of their Caste-Hindu neighbours.''

Let us now continue the Travancore historian's narrative.

On the other hand, the Christian Missionaries had vindicated not only their own political power and prestige but had also vindicated the just and humane rights of the Hindu Nadars and other Hindu socalled low castes and depressed classes. The caste Hindu was getting more and more annoyed, not at his own folly, his pigheadedness, his miserable caste prejudices, but at the Christian Missionaries.

And what is the position of the caste-Hindu community with this sensible annoyance, in Travancore today?. Let us examine that for a moment. Nowhere in India will you find the position of the socalled low castes, the untouchables and the depressed classes better illustrated than by what has happened to them as a result of the conflict betwen the High caste Hindus on the one hand and the Christian Missionaries on the other.

CHAPTER XXIV.

(Hinduism in Travancore).

"We have the rare phenomenon that the conservative Hindu State of Travancore is much less Hindu than even the Mohomedan State of Hyderabad" wrote the Brahmin Official historian of Travancore in 1906. Before we proceed to ask ourselves for whom then any conservation of Hinduism in the Travancore state is being made, let us notice the grounds advanced for this remarkable "phenomenon" by the same historian.

"The reason for this is not far to seek. Ths distinctions of caste and creed here are clear and sharp and the barriers between one caste and another insuperable. If so, the lower orders have nothing to lose but everrything to gain by giving up their position in the Hindu social scale. Continuance in their birth-religion means to them a continuance of their present degraded condition for all time to come. No wonder then that they have transferred their allegiance to the European Missionary and his religion which has brought with it deliverance to them from the trammels of the old-world civilization. If by some sudden diversion of energies into fields of new work the Christian evangelizing bodies were withdrawn from our midst today, what would it mean to the majority of these new converts who have not had time to be grounded in their social regeneration? Only a return to their former condition of squalor and poverty and abject dependance on the higher castes."

There is no good in finding fault with the European Missionary bodies in India. They are not to blame for the congenital idiocy of the caste Hindu. The taunt flung against Hinduism by Bishop Caldwell in 1849, is as true today, if not truer, as when it was made. Speaking of the Shanars of the Tinnevelly District, the reverend Bishop wrote:—

"How different is the religious condition of these rude tribes from all the ideas we had formed of Hindus and Hinduism. Notwithstanding the world-wide fame of the Hindu Vedas, Puranas and Shastras, here is an extensive district in India where they are unknown. Here amongst the Shanars survive the Asuras and Pythons with which the Gods did battle in their youth *Notwithstanding the successive prevalence of the Brahminism of the Vedas, Budhism and the Brahminism of the Puranas, the influence of each in turn and the eagerness of each to make proselytes*, here is a tract of country, containing, exclusive of the Brahminical inhabitants, a population of upwards of 500,000 souls, *all Hindus. all belonging to recognised castes*, who do not appear ever to to have received any of these religions and to whom what Europeans call Hinduism is still a foreign creed."

Let us stop here for a moment and see what later, a remarkable leader, among these poor brothren, had to say about it.

"No greater wrong can be done to a community endowed with human feelings and human capacities" cries out Mr. M. C. Rajha, "than to place it in such circumstances as to force it or lead it to believe that

its members are eternally and for all time to come doomed to a life of ignorance, servitude and misery and that any sort of ambition in them for betterment or improvement is sin. These voiceless millions are ground every day unto the dust and are treated with contempt, a barbarity that is not accorded even to the vilest of animals. Hungry, naked, dispirited, living in wretched hovels, cringing in their attitude through long oppression, driven often by hunger to eat anything they get, abandoned religiously, morally, mentally and physically, they remain utterly miserable, and helpless."

"Under this condition of things" wrote the official historian of Travancore "the Hindu population is bound to fall off in numbers. There is no doubt that, as time goes on, these neglected classes will be completely absorbed into the Christian fold, especially as the only other proselytising faith Viz, that of Islam, is now practically quiescent in the matter of conversions."

"The working castes among Hindus, particularly those embraced within the operations of missionary labours have received a fresh impetus in the matter of education since 1875. Those who have directly come under their influence, have already doubled their literates since 1875" (*I bid*).

"Hinduism" said Acharya Sir P. C. Ray who is no politician, "Hinduism kicks away the fellows of its fold, whereas Christianity and Mahomadanism embrace all that happen to be and join their fold."

"But for these Missionaries" wrote the same official historian of Travancore in 1891, now 40 years ago "these humble orders of Hindu society will for ever remain unraised. To the Christian Missionaries belongs the credit of having gone to their humble dwellings and awakened them to a sense of a better earthly existence. This action of the missionaries was not a mere improvement upon ancient history, a kind of polishing and refining of an existing model, but an entirely original idea, conceived and carried out with commendable zeal and often-times in the teeth of opposition and persecution. I do not refer to the emancipation of the slave or the amelioration of the labourer's condition; for these always existed more or less in our past humane Governments. But the heroism of raising the low from the slough of degradation and debasement was an element of civilization unknown to ancient India. *The Brahmin community of southern India are not doing to the lower classes what the castless Britisher is doing to them.* Our organisation as the chief caste of the Hindu community does not provide systematic help or means of relief to them. We have regular institutions all over India, for instance, for doing charity to Brahmins, but none such either inculcated in books or practised by recent ancestors to the Chandalas. This is an undoubted defect. The credit of this philanthrophy of going to the houses of the low, the distresed and the dirty and putting shoulder to the wheel of depraved humanity, belongs to the Englishman. I do not think the Brahmins or even the high caste Non-Brahmins can claim this credit."

These words of the Brahmin historian are only too true and are worthy of being inscribed in letters of gold round about the Hindu temples for the edification of the caste Hindus.

But coming as it does from a high caste representative Brahmin Hindu and appearing as it does in an official history, what has he suggested should be done by Hindu society and religion towards "these humble orders of Hindu society", beyond advertising the activitities of the Missionaries? The Official organ states in unmistakeable terms to these same Hindu classes: "If you remain Hindus, you will be "in the present degraded condition for all time to come; renounce Hinduism, become converts to Christianity, and you will have 'a better earthly existence' and you will rise in social scale. We caste Hindus, Brahmins and Non-brahmins, are not going to raise our little finger on your behalf. Sure enough the Hindu population will fall off in numbers: we know that; in in the Census of 1901, the Christian population was only something below 6 lakhs; to day it is 17 lakhs." The Census Commissioner for 1931 reports that the population of the Christians has increased by one hundred and thirty (130%) per cent in the State during the last thirty years whereas the Hindus have during the same period increased by fifty one (51 %) per cent! It was 24 per cent of the total population then: it is now 33 per cent of the total population. What if? That is nobody's concern.

Then should we ask, at all, when the historian mentions the "rare phenomenon that the Conservative

Hindu State of Travancore is much less Hindu than even the Mahomedan State of Hyderabad" need we ask for whose sake Hinduism is conserved in Travancore. The answer is there: for the sake of the Brahmin and to a small extent for the sake of the Non-Brahmin caste Hindu. There is no camouflage about it. It it plain enough. "Go and embrace Christianity" is the suggestion to the low castes and the depressed classes, contained in the official history of Travancore. And the results have been striking.

The following facts are taken from the Census Report for Travancore for 1931:—

"It is worthy of note that out of the total Christian population of 6,296,763 in the whole of India, 3,820,625 or about 60 per cent reside in Southern India and that *more than one-fourth of the total* is found in Travancore". (The total Chritian population in the State in 1931 was 1,604 475). "The backward classes among Christians are converts from the deppressed or untouchable castes among Hindus"....In Travancore conversions to Islam are very rare, but conversions to Christianity take place freely and the number converted during the last decade may be put down at 100,000 approximately.........Between 1901 and 1931, when the Hindus have increased by 54 per cent the Christians have shown an increase of 130 per cent." (The State Manual was published in 1906)..... "I have already referred to the fact that it is the low caste Hindus that ordinarily contribute converts to Christianity".

CHAPTER XXV.

Rights of the Caste Hindu.

"Without appropriating the institutions or infringing the rights of others"[1] said their Lordships of the Madras High Court, in the Kamudy Temple case.

What are these rights of others? Who appropriated whose institutions? One can understand the caste Hindu male of Travancore having the right to see his own women dressed in the way sanctioned by custom. But has he the right to prevent others, whatever be their caste, colour or creed, from dressing in any decent way they liked and using the public road? Please remember, that the law in Travancore, so far as I know, is still even today, that which was laid down by the Royal Proclamation of 1859—that Nadar women, Hindus and Christians should not dress in imitation of the women of the high caste Hindus. By rights of immemorial usage, the caste Hindus of Travancore can still take legal action, if so minded against the women of the lower classes if they imitate the higher castes in the matter of dress and come out of their houses; and prevent its being done; and if the principle in the Kamudi temple case as quoted above is true, there will be "the protection of the Courts" also, for that purpose—at any rate in Travancore. And this protection of courts of law will be there, even though caste Hindus might have discarded their own customary dress and taken to dressing themselves in the fashion of the Nadar Hindu

and convert ladies That is one aspect of the "rights of the caste Hindu".

There is one other aspect, which should not be forgotten, "the doctorine of neutrality". Whenever any reform, social or religious, is attempted, there is always this cry of "religious neutrality of the Govt. and policy of non-interference" etc. set up from interested qnarters. And in support of it, they trot out the Queen's Proclamation of 1858. And this cry, very often, is taken up by political extremists!

It should be noted that, in this upper cloth agitation also, "the Sudras considered it (the Queen's Proclamation of November 1858) as sanctioning their taking the law into their own hands *to repress what they took as an aggression into their caste domains*".

The interpretation placed by the Madras Government upon the Queen's Proclamation is extremely significant. Sir Charles Trevelyan as Governor of Madras said "the extraordinary fact that persecution of a singularly personal and delicate kind is attempted to be justified by a Royal Proclamation the special of which was to assure to Her Majesty's Indian subjects, liberty of thought and action so long as they did not interfere with the *just rights of others*". (The italics is mine).

If the Nadars, compelled caste Hindu ladies to adopt their (Nadar) dress or prevented them (caste Hindus) from dressing themselves in any way they liked, then it might be said, the Nadars were inter-

fering with the just rights of others. If they (the Naḍars) prevent Caste Hindus from going along the public roads, or being entertained in public service or from going in and worshipping in public temples, one can understand a Court of law saying that these are matters in which the Nadars are "exceeding their liberty of thought and action" and "are infringing the just rights of others' In the same way and to the same extent, and for identical reasons when Caste Hindus attempt to prevent non-caste Hindus from dressing themselves in any way they liked, or from walking along the public roads or from seeking public service or entering a public temple and worshipping therein along with the Caste Hindu public—in a temple which does not belong to any particular community or section or caste among the Hindus, but prima facie belongs to the whole Hindu public... both reason and law alike dictate that the Queen's Proclamation of 1858 must be so construed, by every one upon whom devolves the duty of construing it, (and not by the Caste Hindus merely) as to hold that the Caste Hindus are exceeding "their liberty of thought and action". That I submit, is "the doctrine of neutrality" binding upon every Judicial system and upon every Government and not merely the British Government. More about this later.

"It has been said latterly and with some reason" later wrote Sir Alfred Lyall in his "*Asiatic Studies*", "that the English Government acted prematurely and upon incomplete knowledge of all the considerations involved, when it resolved to sever the ancient chain

which bound the religious institutions of each province round the feet of the Government which annexed them and when we thus, in liberating ourselves from being plagued with old-world fancies, threw away the repute and leadership which accured to the Sovereign of India from being universally recognised as the authority whose *conge' d'e lire* was required or whose arbitration was accepted, in all nominations and successions to important religious office or estate. In the Madr s Pesidency the superintendence of no less than seven thousand six hundred Hindu establishments had hitherto been vested in the officers of Government; and this was more than a nominal superintendence; the people regarded the district officer as the friendly guardian of their religion. Speaking of the aversion of the people to the abandonment by Government of the management of a famous pagoda (Tirupati) in North Arcot, the District Magistrate wrote: "No persuasion or reasoning could effect a change in the resolution they had taken; the management of this pagoda, they said had been in the hands of the ruling power for ages back; the innovation proposed was contrary to established custom and if persisted in, religious worship in their temple would cease"! I have already pointed out how this divestment by the Government of their control over Hindu temples was made, not at the instance of any Hindu, caste or noncaste, Varnashramite or Sanatanist—but what is much more remarkable and significant is the fact, that the people were *opposed* to such divestment and even threatened to *boycott* such temples, if their control went out of the hands of

the Government—Christian though it was. It looks as though the Hindu public, even in those days, knew what was going to happen to these Hindu temples once they went out of Govenrment control.

Commenting upon the doctrine of "religious neutrality" enunciated subsequently by the British Government (after the policy of 'divestment' had been settled upon and actually carried out) Sir Alfred Lyall says in his *Asiatic Studies:*

"In England an assurance of neutrality would probably mean that the Government had determined to have nothing whatever to do with the affairs, temporal or spiritual, of any sect or creed; in India, the declaration is generally taken to convey a welcome guarantee that the Queen will not favour one religion more than another; but it is not so welcome if it is found to mean the complete renunciation by their governors of all direct authority or headship over the management of the temporal interests of their religions. Such a course of action is foreign to all historic experienee of the relation between secular and ecclesiastical authorities througout Asia. It may be the only course now open to the English in India; neverthless, another might be learned from observing the organisation of all great Asiatic Governments and from the example of every ruler over diverse tribes and nationalities—namely, that in certain conditions of society the immediate anthority and close supervision of a monarch over the powerful religious interests with which he has to reckon at every step, is a matter of political expediency, not an affair of

doctrine or opinion, but a recognised duty of the State. To relinquish this position is to let go at least one real political advantage which accrues to us from our attitude of perfect neutrality, that of enabling us to superintend and guarantee the religious administrations of all sects with entire impartiality and with the confidence of our subjects".

The caste Hindu, therefore, in Travancore succeeded in attempting to interfere even with the mode of dress to be adopted by his poorer brethren: and that too, not because, either law or reason was on his side but because and solely because, the Govt. of the day thought and the whole world thought that the "*Caste Hindu*" was ignorant and was easily "inflammable". This dress of the Nadar women was, to use the words of the Brahmin official historian, "the inflammable material connected with *religion* and caste which nearly caused a general conflagration in Travancore"! The Nadar dress was the red rag to the Caste Hindu Bull. Evidently, in those days, if the historian is to be believed, the Caste Hindus of Travancore seem to have been even more inflammable than the Moplas of Malabar.

Are they less inflammable now? They ought to be, if the declarations of the Travancore Ruler about 1865, have been taken to heart by the Travancore subjects.

"I must take this opportunity" said His Highness the Maharajha several years ago in laying down the foundation of the Public offices "to impress one

important truth on my Native subjects and this is that the realisation of our hopes depends not in a great measure, but entirely upon their advancement in moral and intellectual culture. The preliminary step for this is to cast off those erroneous notions which have been generated and fostered by long isolation but which are incompatible with the association of races. *Let each by all means enjoy to the fullest extent possible the freedom of thought and action, let each have his own views on all subjects but let none interfere with another's liberty of the same nature*".

It is when caste Hindus make mistakes about what their own legal, social and civic rights are and what the rights of others are that they make themselves the laughing stock of the whole civilized world.

We have dealt with one such instance of the Caste Hindu rights in the matter of Nadar female dress in Travancore. Let us deal with one or two other "public" rights of the Caste Hindu and that also from Travancore History.

CHAPTER XXVI.

The Tiyas of Travancore.

The history of the bitter controversy waged by the Tiya or the Ezhava community of Travancore for admission into public schools and public services will reveal once again the claims or "the rights"

which the caste Hindu advances as being his to be exercised over others.

A discussion of these topics, it must not be forgotten, has an intimate bearing upon the question of temple-entry.

These Tiyas or Ezhavas of the West Coast are just like the Nadars of the East Coast. Both claim to have originally come from Ceylon. Let us not make the mistake of supposing as was done in the Kamudi temple case, that these two communities followed the hereditary occupation of toddy-drawing. Toddy was drawn and drunk in South India long, long before these people came from Ceylon. As a matter of fact, any student of Tamil literature will tell you that the old poets and bards, prized a jug of toddy as highly as a bag of gold. Virtuous Aryas had their soma juice.

"The leading vices of the Aryan race" says Ragozin "have always been drinking and gambling. The Rig-Veda bears ample witness to both. The materialistic symbolism of the Soma worship greatly helped to confirm, almost inculcate, the former by the stress it laid on the supposed divine (fiery) element in the *sacred* intoxicant." How drink was regulated in Kautilya's time has been already referred to; and how this *sacred* intoxicant, so indispensable to the Aryan, was introduced into the Temple, to attract him, has also been noticed.

How the impression gained ground that these two communities had toddy drawing as their hereditary

occupation there is no knowing. But all the same it is a huge mistake. If they came from Ceylon, they were people who went originally from South India.

"The Shanars though probably emigrants from Ceylon" writes Bishop Caldwell, "are Hindus not of the Brahminical, but of the Tamil or aboriginal race: the inhabitants of the northern Coast of Ceylon being themselves Tamulians - the descendants, either of early Tamil colonists or of the marauding bands of Cholas who are said repeatedly to have made irruptions into Ceylon both before and after the Christian era..... I have met with traditions to the effect that the Shanars are emigrants from the northern Coast of Ceylon; where the same or a similar caste still exists, bearing a grammatical and intelligible form of the same name, "Shândrár", of which "Shanar" is etymologically a corruption. It is also tolerably certain that the Ilavers and Teers (i.e. Cingalese and Islanders)" who cultivate the coconut palm in Travancore, are decendants of Shandrar colonists from Ceylon. There are traces of a common origin amongst them all. "Shanar," for instance, being a title of honour amongst the Travancore Ilavers."

When, like the Parsees, driven out of Ceylon, they came back to their own land, and settled here, social conditions had changed so considerably that they did not fit into the existing order of things. But they have been throughout the two most industrious communities in South India and today both the communities have come to the front of Hindu society by their industry, enterprise intelligence and

solidarity. Like all new comers fighting for existence and recognition, they turned their hand to any and every occupation that came across their way. The older communities giving way to keen competition, as usually happens, turned up their nose and remained contented with their isolated ancestry and became as proud as a Spaniard. As a matter of fact, these two communities had no occupation as toddy-drawing either hereditarily or otherwise. A very few did follow it, as a few among them were barbers, dhobies etc; but the greatest number among them were agriculturists, like any other caste Hindu Community in South India.

The Tiyas of Travancore had to contend with so many obstacles from their Caste Hindu brethren in securing elementary rights of citizenship. A few instances. taken from the excellent biography of Dr. P. Palpu, lately of Mysore service and the veteran Tiya leader, by my friend the late Mr. T. K. Madhavan will be instructive.

During Sir T. Madhava Row's time as Dewan of Travancore about 1860 Dr. Palpu's father was a candidate for a public examination for selecting vakils to the High court and he had paid the necessary examination fees as well. When it came to be known that he was a Tiya he was not permitted to sit up for the examination just because the caste Hindus might get offended.

Till 1895, there is the recorded refusal of the Govt. to give admission to Tiya students in Government schools on the ground of objection by caste Hindus.

Dr. Palpu's brother, Rao Bahadur P. Velayudhan, B. A., who afterwards rose high in British service, began to knock at the door cf the Travancoee Govt. for entry into public service from 1886, in vain. He was refused admission into Govt. service, in each and every Department of it. Mr. Hannyington, the then British Resident himself confessed that he was helpless in getting a place for Mr. Velayudhan in Travancore or Cochin.

When Mr: M. Govindan, now a Retired Dist. Judge, first applied in 1896 for a bare copyist's place in the Travancore High Court, after he became a graduate, he was informed, that immemorial custom and usage were against his being entertained in Judicial service.

In 1891, a historic memorial known as the "Malayalee Memorial" signed by ten-thousand and more representative Travancoreans and initiated by the late Mr. G. P. Pillai, the well-known publicist of Madras, Dr P. Palpu and others, was presented to the Travancore Govt. advocating the claims of these Tiya Hindus to be taken in Government service The Govt. reply to that Memorial was to the effect that Tiyas might profitably follow their original hereditary occupation, mainly toddy drawing, without seeking Govt. service; that there has been a certain amount of prestige and dignity for Govt. offices because they have hitherto been held by caste Hindus; that this prestige and dignity might disappear, if Tiyas are taken into the service; that it is the Nair Sudras who are the strongest opponents of Tiya entry; and if the Govt.,

ignoring this caste-Hindu opposition, were to act in the matter it will result not only in no benefit to the Tiya Hindus but may even lead to disaster to them and so on and so forth.

One can understand Caste Hindus refusing to admit Tiya students in a private school founded, endowed and managed by caste Hindus. One will have to certainly characterise a Tiya, as obstinate, ill-intentioned or ill-mannered if he persists in seeking admission into such a school. One may even understand it, even though it may not be possible to justify it, a Hindu Govt. in attempting to safeguard state religion, refusing admission in state schools to other religionists...for instance to Christians and Moslems.

Similarly, one can understand the caste Hindus of Travancore objecting to Christians and Moslems being entertained in Govt. service: for, evidently that objection is based upon preserving and encouraging their Hindu religion. Being religious, on religious grounds there can be no sin. One may even certainly approve, if the easte Hindus had even opposed the entry of Tiya Christians and Tiya Moslems in Govt. service—because they are Tiya converts and were originally Tiya Hindus and by conversion, they have become traitors to Hinduism.

But what was it that happened?. Dr. Palpu in the Memorial which he submitted to the then Dewan Mr. Shangarasooba Iyer, seems to have stated thus:- "I should not be taken to say, that Tiyas must be admitted in all the Govt. offices in the State. It is

enough if at least those places in the State service which are now open to persons if only they change their religion, such places at least may be given to deserving qualified Tiya Hindus I believe that this is not too extravagant a demand to be made of a Hindu State". "Dr. Palpu barely fought for just those rights and privileges for a Tiya Hindu, which the latter undoubtedly got in Travancore by becoming either a Christian or Moslem."

A Tiya Christian and of course, a Tiya Moslem, has full privileges and rights of citizenship in Hindu Travancore: a Tiya Hindu has not. It is said that the Caste Hindus are opposed to the Tiya Hindus getting even bare elementary rights of citizenship—even the use of public roads.

Immemorial custom, judicial decisions recording that custom, immemorial usage are all alleged by the Caste Hindus as standing in the way of these poor Hindus, because they are Hindus. Agreeing with the Caste Hindu for argument's sake that the custom is like that, that the Judicial law and usage are all like that, the question which arises is whether such custom and such usage are not immoral, opposed to public policy and illegal.

Even such a radical reformer like Sir. T. Sadasiva Iyer was frightened into saying in the Panakudy temple case: "Speaking for myself, if I were not bound by authority I should like to hold that a custom which prohibits one who belongs to a Community which is not lower than a Sudra Caste from going

beyond the Dwajastambam is an unreasonable custom and ought not to be recognised. But as even such unreasonable customs, provided they are not grossly immoral, have been held to override the law and Shastras if fully established by evidence I think I am bound to follow such rulings."

Judicial sympathy is so often devastating. Evidence let in as regards Hindu temples nowadays, as pointed out else-where in this book, is very often untrue and most often perjured And by the heavy hand of the Privy Council, the law as laid down by the Shastras has been ruled out when confronted with this usually tainted and perjured evidence. The law laid down by Shastras, absurd as it undoubtedly is and was, had to give way to this still worse "current" usage and custom. Every conscientious Judge has to be between the devil and the deep sea.

"I have heard it said (I know not if it is true) that the long continued custom of burning Hindu widows" writes Mr. G. K. Chesterton, "was actually founded on a verbal error in the reading of sacred books."

"The critical activities of the West" continues Mr. Chêsterton, "comes not from a confidence that everything is continually raising, but from a suspicion that everything left to itself is continually falling. In this sense, some of the Asiatic systems are actually too religious. They make the social system too sacred. They do not allow enough for the fact that sin is perpetually rotting away the institutions

that are founded on ideals. The truth that inspires all real reformers is sufficiently expressed in the very word "reform". Some systems feel no need for reform because they have too much faith in form. They forget that if we really desire the form to be retained we must see that the form is reformed." One hopes that Varnashramites, including Judges and lawyers will make a note of it. A Hindu reformer, like Mahatma Gandhi for instance, is a reformer because as he himself never tires of saying it, he wants to see Hinduism retained in the land of the living religions; to see it alive and make the best come out of it yet; because he sees great potentialities in that religion: whereas the Sanatanist would rather, on the other hand, be content with the dead form of Hinduism, attend its funeral and perform its obsequies, if he can.

In this connection, it may be as well to point out what the Sanatanist said when Gandhiji promised to fast along with Mr. Kelappan for getting temple-entry to Harijans at Guruvayur of which the Zamorin of Calicut was the trustee. This fast was said to be "Coercion" "threatened suicide" "immoral and opposed to the Shastras"... by the Santanists. Appeals from all over the country to the Zamorin to open the temple fell on deaf ears. Those who characterised the Mahatma's fast as "threatened suicide" will be interested to hear that the Zamorins of Calicut had themselves to commit "suicide" every twelve years in public—a long standing custom which continued up to every recent times.

The following extract taken from Sir J. C. Frazer's Golden Bough" (Abridged Edition 1923) the highest authority on folklore reveals the strange custom of suicide which prevailed among the Zamorins of Calicut.

"The King of Calicut, on the Malabar Coast, bears the title of Samorin or Samory. He "pretends to be of a higher rank than the Brahmans and to be inferior only to the invisible Gods; a pretension that was acknowledged by his subjects, but which is held as absurd and abominable by the Brahmans, by whom he is treated as a Sudra" Formerly the Samorin had to cut his throat in public at the end of a twelve years' reign."

"Thus, according to an old traveller, in the province of Quilacare, "There is a gentile house of prayer, in which there is an idol which they hold in great account, and every twelve years they celebrate a great feast to it. Whither all the gentiles go as to a Jubilee. This temple possesses many lands and much revenue: it is a very great affair. This province has a King over it, who has not more than twelve years to reign from Jubilee to Jubilee. His manner of living is in this wise, that is to say, when the twelve years are completed, on the day of this feast there assemble together innumerable people and much money is spent in giving food to Brahmans. The King has a wooden scaffolding made, spread over with silken hangings and on that day he goes to bathe at a tank with great ceremonies and sound of music, after that he comes to the idol and prays to it and mounts on

to the scaffolding and there before all the people he takes some very sharp knife and begins to cut off his nose and then his ears and his lips and all his members and as much flesh off himself as he can; and he throws it away very hurriedly until so much of his blood is spilled that he begins to faint and then he cuts his troat himself. And he performs this sacrifice to the idol and whoever desires to reign other twelve years and undertake this martyrdom for love of the idol, has to be present looking on at this; and from that place they raise him up as a king".

"But towards the end of the seventeeth century, the rule had been modified as follows: "Many strange customs were observed in this country in former times and some very old ones are still continued. It was an ancient custom for the Samorin to reign but twelve years and no longer. If he died before his term was expired, it saved him a troublesome ceremony of cutting his own throat, on a public scaffold erected for the purpose. He first made a feast for all his nobility and gentry which are very numerous. After the feast he saluted his guests and went on the scaffold and very decently cut his own throat in the view of the assembly and his body was a little while after, burned with great pomp and ceremony and the grandees elected a new Samorin. Whether that custom was a religious or civil ceremony, I know not, but it is now laid aside. And a new custom is followed by the modern Samorins, that Jubilee is proclaimed throughout his dominions at the end of twelve years and a tent is pitched for him in a spacious plain and a great feast is celebrated for ten or twelve days,

with mirth and jollity, guns firing night and day, so at the end of the feast any four of the guests that have a mind to gain a crown by a desperate action, in fighting their way through 30 or 40,000 of his guards and kill the Samorin in his tent, he that kills him succeeds him in his empire. In ano 1695, one of those Jubilees happened and the tent pitched near Pennany, a seaport of his, about fifteen leagues to the Southward of Calicut. There were but three men that would venture on that desperate action, who fell in, with sword and target, among the guard, and after they had killed and wounded many, were themselves killed. One of the desperades had a nephew of fifteen or sixteen years of age, that kept close by his uncle in the attack on the guards and when he saw him fall, the youth got through the guard into the tent and made a stroke at his Majesty's head and had certainly despatched him if a large brass lamp which was burning over his head not marred the blow; but, before he could make another, he was killed by the guards; and I believe the same Samorin reigns yet I chanced to come that time along the coast and heard the guns for two or three days and nights successively."

"The English traveller, whose account I have quoted did not himself witness the festival he describes, though he heard the sound of the firing in the distance. Fortunately, exact records of these festivals and of the number of men who perished at them have been preserved in the archives of the royal family at Calicut. In the latter part of the nineteenth century they were examined by Mr W. Logan with the

personal assistance of the reigning King and from his, work it is possible to gain an accurate conception both of the tragedy and of the scene where it was periodically enacted down to 1743, when the ceremony took place for the last time."

And the present Zamorin of Calicut, whose admirers characterise Mahatmaji's fast, as being nothing short of "suicide" and "attempted coercion" and "not sanctioned by Shastras" and who himself opposes entry of Harijans into the Guruvayur temple under his charge on account of "custom" and "usage" is an educated gentleman who has retired from British service after having held a very high and responsible post as District Magistrate and Collector!

What is the public policy of the Hindu State of Travancore with reference to this question of temple-entry? The official historian has more than 25 years ago pointed out that the Hindu State is becoming less and less Hindu.

We have given facts and figures taken from the Census of 1931 which would show that the State of Travancore is more Christian than Hindu as it is; when it will cease to be Hindu altogether may perhaps depend upon what the Temple Entry Enquiry Committee appointed by the Goverment has to say about it, and the action which may come to be taken by the Durbar upon the Committee's Report.

In which case, any resistance by the Caste Hindu to the free exercise of his rights of citizenship by

the Tiya as any other Travancorean, will have to be held by the constituted authorities as illegal.

As matters stand at present, the Tiya Hindu of Hindu Travancore has not as much right of free citizenship as the Lowest Hindu in the Mahomedan State of Hyderabad, or the lowest Hindu of Christian British India. To be a Hindu in the Hindu State of Travancore is not a privilege for the non-caste Hindus: it is not a mere handicap; it is a curse: it is an insult. Therefore, there can be no other conclusion, but that the Caste Hindu in Travancore is not excercising his rights as a Hindu for the cause or on behalf of Hinduism - his State religion—but purely for the private purposes of his own Caste Hindu community.

We have already shown how the caste Hindu of Travancore, asserted a right not merely to dress his wife as it pleased him or her, but also insisted that somebody else's wife, a non-caste Hindu's wife should dress in a way not displeasing to him, (Caste Hindu). That was also upheld. Next, the Caste Hindu was not satisfied with educating his own boys in public schools at public expense, but further insisted that non-caste Hindus should not be admitted therein even though they were also responsible for its foundation, and upkeep. Here also the caste Hindu was encouraged by the Hindu Government. Similarly in the case of public services. Here also the caste Hindu was supported in his punitive policy. The Caste Hindu further insisted that full rights of free citizenship should not be granted to the non-caste Hindus.

The caste Hindu was not asked by the Hindu Government to mind his business.

In South India therefore the Caste Hindu cares a brass farthing as to what becomes of the Non-Caste Hindu. He can not conceive of his living side by side with the non-caste Hindu. If only, the noncaste Hindu would become a Christian or a Mahomedan, why the Caste Hindu will have attained Nirvana.

The whole of South India, therefore in 1863, (to go back to our original theme) when the British Government divested itself of the control of Hindu Religious Endowments, was susceptible to Christianisation. The Caste Hindu whatever his occupation in life was quite willing to help it along—either through sheer ignorance or stupidity or because he had managed to secure, somehow or other, a monopoly of the benefits arising from these institutions and just wanted to keep those material benefits to himself.

CHAPTER XXVII.

The rise of the Caste Hindu.

With the political rise of the Brahmin in South India after the advent of the British Government as narrated by the Abbe Dubois, his social economical and religious rise in importance was only natural. And of course, Brahmin lawyers got busy to consolidate his position.

"There is a text of Mataya Sutra cited by Raghunandana which is to the following effect: "Having made offerings to a God the sacrificial fee also should then be given to the God. The whole of that should then be given to a Brahmin; otherwise it is fruitless." This text seems to show that the offerings should always be given to Brahmins i. e., all debutter is for the benefit of Brahmins. The Chandogya Upanishada, as we have seen before, lays down the true Hindu position. According to it, such offerings are partaken by all sentient beings and are for their benefit. It is the old pantheistic idea. To say the offerings are the peculiar property of Brahmins is very good for the Brahmins and they have got the doctrine accepted by the people but it is not the true doctrine according to the authentic texts"—(J. C. Ghosh: The law of endowments.)

The Brahmin had it inculcated to all and sundry that anything offered him will be the means of reaching Heaven or attaining salvation for the offeror or his forbears. The Non-Brahmin in his profound ignorance was made to accept the doctrine, as being religious, smritic or shastric. No one likes to be fooled, but still less to be thought a fool, when he finds himself to be one. "It is not the beating by the husband that irritated the wife but because the mother-in-law was looking on". That is still the predicament of the Non-Brahmin Hindu who still goes on making offerings to Gods and Brahmins, as being shastric or smrithic or religious or what-ever

it is he thinks it to be, and knows not and cares less. The Brahmin was able to secure something by this instruction to the Non-Brahmins Hindu public only when the British Government divested itself of the control of public temples: for as we have already seen, the sovereign power Hindu, Mahomedan or Christian, was "reducing expenditure, increasing income and taking the surplus revenues" to the public ex-chequer.

When in 1863, by legislative enacment, the British Government divested itself of the control over Hindu Temples, these latter, for all practical purposes fell into the lap of the politically advanced Brahmin—who is our today's Varnashramite or Santanist.

Some of the temples did go over to Mahants, heriditary trustees etc. And who were they?

"Persons who claim to be Shebaits, were not Shebaits but Acharyas, Poojaries or other Paricharakas. *It would be absurd to consider the descendants of the person, appointed according to the rules of the smritis as a gate-keeper or the like, as a trustee. The trustee originally was the state which set up a temple.* Other persons in charge were only servants paid for their services. In case of private individuals also, these were all servants; the trustee, if any, being the donor and his descendants. The state and the families that set up these temples have all disappeared in course of time but the Poojaries and the Paricharakas remain and now set up a claim of ownership". (J. C. Ghosh).

"The great public temples were built by Kings who always excercised the right of appointing the Mohunts, of supervising the affairs of the temple and of preserving and repairing it. When the old Kings passed away, the successors of the Mohunts and the descendants of the Paricharakas or officers of the temple and the Pandas or Brahmin priests who officiated at the Poojas of pilgrims and very often brought them to the shrine from their native villages, claimed the exclusive right to the management of the temple and to the offerings made there. The claims were always dependent on the will of the King in ancient times and had no legal basis or right for them. The British Government for a short time assumed its *just rights* to the management of the shrines but soon gave them up on the ground of their being idolatrous temples." (J. C. Ghosh).

Here we have a complete answer to the whole question of temple-entry.

In the words of the famous Hindu lawyer, it was only just and proper that the management of the public temples in British India, was with the British Government and that the latter divesting it, brought in its wake, unfounded claims from all quarters. If these temples had continued to remain in the hands of the British Government there would haue been no trouble at all as regards temple-entry—their eye would have been on the revenues only.

"To say the least" writes a distinguished Christian Judge in British service, "there is no fairness in

temple authorities hastening to receive gifts and offerings from men of all castes and then proceeding to exclude some or most of them from the priveleges of the temple and confining them to just a few who probably coutributed little or nothing. No doubt the customs and conventions established in a temple should be taken into account, but the testimony given in such cases usually shows that feelings have become rigid only *within recent times* while more latitude and toleration prevailed in earlier ages as between different sections of the Community."

To the same effect, did Justice Sadasivier of the Madras High Court observe in a well known Church case:— "It is natural that I should feel a greater sense of freedom in dealing with *modern* undesirable innovations in support of alleged rights to exclude certain classes of worshippers from a Hindu temple" etc.

All these observations would go to show, that so long as these public temples were under the direct control of the British Government there was no obstacle at all to any Hindu, touchable or untouchable, from entering a temple for worship and that such obstacles came into existence only within the last century and that too after divestment by the British Government—beginning from 1841 onwards.

It is only the Government which can settle the question and matters are assuming such dimensions, that the Government will again have to exercise its "just rights" and assume control of all public Hindu temples. Then only will justice be had by Hindus,

at least the majority of them. Today it is the tyranny of the minority which prevails.

CHAPTER XXVIII.

Opposition to Temple-entry.

Who are the greatest opponents of temple-entry in South India? Has it a historical background?

What about North India? "Sir Raymond West, as well as Golap Chunder Sarkar and Mr. Ganapathy Iyer say that temples and Mutts and their properties are equally dedicated to some God who is the real proprietor. But history and Smritis tell us a different story."

"In Southern India there are great temples built and endowed by powerful Hindu Kings who exercised powers of superintendence over them till rather recent times. In Southern India Brahminical orthodoxy and contempt of the lower classes imposed rules of exclusion in those temples strictly in accordance with the rules of Manu about Sudras and Panchamas or Antajas and Vahyas. *In Northern India these rules are not rigorously enforced.*"

Mark the words of the great Bengali lawyer. "Brahminical orthodoxy and contempt of the lower classes imposed rules of exclusion" in Southern India.

Is it mere ignorance on the part of the Caste Hindu that has led him to this policy of exclusion of his poor brethren?

CHAPTER XXIX.

The Christian attitude.

The definition of Hindu Religion as being "either oppression or the right to oppress other Hindus," is the only definition of a great religion which fits in with the realities.

We gave one or two instances of the remarkable way in which the superior Caste Hindu exercises his infallible right to oppress others. The catalogue is in no way exhaustive. And the Government of the day, whether Christian as in British India or Hindu, as in most Indian states, seems to be absolutely helpless in the matter.

Dr. Ambedkar as the President of the All India Depressed classes' Congress held at Nagpur on 8th August 1930 observed:—

"You cannot keep on singing the praise of a bureaucracy, because it has given improved roads, constructed canals on more scientific principles, effected transportation by rail, contrived to carry letters by penny post and flashed messages by lightning, has established currency, regulated weights and measures, corrected the not ons of theology, geography and as-

tronomy and medicine and stopped internal quarrels. All praise is due to this achievement in the field of law and order; but, gentlemen, we must not forget that people, including the Depressed Classes, do not generally live on law and order. What they live on is bread and butter."

"Before the British" continued Dr. Ambedkar, "you were in the loathsome condition due to your untouchability. Has the British Government done anything to remove your untouchability? Before the British, you could not draw water from the village well. Has the British Government secured you the right to the well? Before the British you could not enter the temple? Can you enter it now? Before the British you were denied entry into the police force? Does the British Government admit you in the force? Before the British you were not allowed to serve in the Military. Is that career now open to you? Gentlemen, to none of these questions can you give an affirmative answer? Those who have held so much power over the country for such a long time, must have done some good, but there is no fundamental alteration in your position. So far as you are concerned, the British Government has accepted the arrangements as it found them and has preserved them faithfully in the manner of the Chinese tailor who, when given an old coat as a pattern, produced with pride an exact replica, rents, patches and all. Your wrongs have all remained an open sore and they have not been righted and I say that the British Government actuated with the best motives and

principles, will always remain powerless to effect any change so far as your particular grievances are concerned"

Even to day in most villages in South India, most people cannot walk through the village streets; people who are reckoned to be Caste Hindus cannot go in procession in those streets. The tyranny is complete in Travancore, Cochin and Malabar which was called the "Land of Lunatics," by Swami Vivekananda of revered memory.

Since that time, the country of Malabar has come to be noticed in the Simon Report as being the most literate in all India: but that has in no way improved matters and the disgrace, today, is all the greater.

Two Satyagrahas, as part of a programme to remove untouchability, were started in Vycome and Suchindram; it was not a case of temple-entry: what was asserted was a bare right to go along the public roads round the temple. The earlier struggle at Vycome was a long drawn out one which attracted wide attention throughout India and which evoked the blessings of Mahatmaji and it ended in a compromise by which certain roads were thrown open, the others being closed. The Satyagraha at Suchindram fizzled out; and the Government of Travancore constructed a new road altogether for the use of the Non-Caste Hindus, implying thereby that the roads in question round the temple were not to be used by the latter.

The temple-entry question at Guruvayur is now engaging the attention of the whole of India, as

the Vaikom Satyagraha in Travancore once did. What will come out of the struggle is on the knees of the Gods.

"Farseeing men" says Earl Grey of Falloden (who was Foreign Secretary in England when the Great war broke out, in his recent book" Twenty five years") "Farseeing men may be able to calculate the direct consequences of a public act or policy; the indirect consequences are beyond human calculation; and it is the indirect consequences that in the long run are most important"

What is going to happen out of Guruvayur; what the consequence of it direct and indirect will be to Hinduism and the Harijans, are beyond the speculative powers of the present writer. The Satyagraha at Vaikom resulted in a compromise; but the principle of that compromise was not extended to any other place; hence the Satyagraha at Suchindram in Travancore itself. If past experience be any guide in these matters, one is afraid whether Guruvayur by itself is going to solve the problem. We shall wait and see.

Again, it has to be observed, that Mahatmaji is a politician of the first rank, a born diplomatist and essentially a man of peace His ways are and have always been inscrutable to many. "There is a difficulty "observes Earl Grey "that besets and probably always has and will beset, men of independent mind in public life. It is that great men are difficult to follow consistently while lesser men have

not the capacity to lead. Great minds do not travel for long on the average line of thought; the man of average mind therefore, finds great men difficult to follow." What will come out of Gandhiji on the one hand and Kelappan and Guruvayur on the other may be left to the future historian.

And still the official historian of Travancore complains that the State is becoming less and less a Hindu one. As it is the Christians are a major population of the State today.

It might be supposed that from what has been stated above that the Christians of Travancore,—those who happened to be Christians for more than thousand five hundred years known as the Syrian Christians -- are very keenly interested in the amelioration of the non-caste Hindus of the State.

The following observations made by Mr. C F. iAndrews in his interesting book "Mahatma Gandhi's deas" (1929) have an important bearing upon the point. India they say has not a better friend from among Englishmen than in Mr. Andrews.

"It is a fact to be mentiond with great shame and inward reproach by those of us who are members of the Christian Church that in Travancore the Church itself is not free from these very evils and therefore it has hitherto failed. *It has even in the past been an interested partner and has countenced "untouchability" in practice.* This Church was established in the South West of India over fifteen hundred years ago by Syrian Christians.

It has gradually become a silent sanctioner and approver of "untouchability". To my own great shame and confusion of face, during a visit to Kottayam, a place which had long been the centre of this ancient form of Christianity, I tried to obtain a gathering of Christians to meet with the pariahs at a simple meal in the so called "untouchable" quarter. But only three persons of my own Christian faith joined with me although I had met many hundreds during the day and this simple meal with the pariahs had been made widely known." (The italics is mine).

"The expression 'Syrian Christian' as it is now used" comments the Travancore Census Commissioner for 1931, "is not capable of a clear definition. It does not represent a race, because as Mr. William Crooke says, "They (the Syrian and other allied Churches) have sprung from converts, as a rule, from the lower state of the community, rather than from the higher classes, such as Brahmans and Nayars, who are less susceptible of Missionary efforts"...... "Romo Syrians do not intermarry with the members of the other sects. Even in the same sect there is no intermarriage between the recent converts' and others who embraced the faith in earlier generations." It should be remembered that historically the earliest Syrian Christian converts were from Nambudiri Brahmins and other high caste Hindus. This aspect of the question—the effect of conversion to Christianity on caste—will have an intimate bearing also when we come to deal with the right-hand and left hand communities among Hindus and

which is the source of all trouble as regards this temple-entry question, as will be pointed out later on.

"The Vellalas" observed Justice Napier of the Madras High Court a few years back "are a high sub caste of what are conveniently termed Sudras—though, of course, the term is not historically applicable to South Indian Dravidians—the whole caste of Sudras being however considerably below the three higher Castes in the latter's estimation. The Shanars spring from a humble origin outside caste, but having raised their social position by their industry naturally seek the recognition due to their changed condition. It has been the effort of the Vellalas to keep them in their lowly state that has led to this trouble in the last forty years *Conversion to Christianity has it seems, in no way modified the pretensions of the former or taught them that sense of equality before God which is a cardinal feature of the Christian religion as well as of other religions*".

But for all that, the number of conversions to Christianity shows no diminition; it is on the increase. And all because of the Caste Hindu top dog.

It is usual for the noncaste Hindus, to visit some of the public temples of South India during festivals, even though they are denied admission to the temple itself. On one occasion, to the writer's knowledge, when some of them went to a temple for making their usual offerings in front of it—there

was no attempt made to enter the temple—the Caste Hindus for no apparent reason fell upon these worshippers in a body, mercilessly belaboured the poor men and women who had gathered there for worship. The temple is in South Travancore dedicated to God Subramonia, who as Justice Sadasiva Iyer pointed out, had married a noncaste Veda woman, thereby displaying his own catholicity; and this temple is under Government management. And seven hundred of these noncaste Hindus are reported to have became converts to Christianity the very next day.

The official historian of Travancore (a Brahmin Officer) even though he bemoaned in one place the disappearence of the Hindu and Hinduism from the State, yet still patted himself on the back by styling it a "conservative Hindu State". We raised the question, earlier, for whose sake then this Hinduism is "conserved" in the State, if as a result of that conservation we find the Hindu going down rapidly in numbers and the State itself becoming "less and less" of a Hindu State. We have to find an answer to that question, as that will help us in arriving at a conclusion as to why this formidable opposition exists in British India for entry into Hindu temples. But that being a matter more properly belonging to the history of Travancore, can be dealt with here, if at all, only briefly.

CHAPTER XXX.

The Brahmin in Travancore.

Emblazoned on the arms of the Royal House of Travancore, you will find the words "Charity is our Household Divinity". It is a cheap copy book maxim which quite deceives the eye.

That "Charity" means, in Travancore, Brahmin-feeding. There is no organised effort on the part of the Government or the people, of that State to help the maimed, the infirm, or the needy and certainly none to assist the poorer humbler classes of people

It may be as well to recall the words of the official historian of Travancore quoted previously :—

"The Brahmin Community of Southern India are not doing to the lower classes what the castless Britisher is doing to them. Our organisation as the chief caste of the Hindu community does not provide systematic help or means of relief to them. *We have regular institutions all over India, for instance for doing charity to Brahmins*, but none such either inculcated in books or practised by recent ancestors to the Chandalas" etc.

Charity to the Brahmin in British India came to be regularised after the rise of the Brahmin lawyer to power and prominence; while in Travancore, it came to be established long earliar, through the efforts of one single individual—a Brahmin Dewan

"A gift to Dharm has been held void as it embraces many objects of benevolence not recogniced as charitable (such as giving feasts to Brahmins)" (P. R. Gnanapathy Iyer's Religious Endowments".

"A bequest for Dharmam (in British India) was held bad for indefiniteness as it might include objects other than charitable such as feeding the Brahmins whether rich or poor." (Ghosh on Religious Endowments).

This sorry business has spelt the economic and social ruin of the State; so much so, that the country is almost on the verge of bankruptcy.

The mischief was started by one Brahmin named Rama Iyer who was the Dalawah or Prime Minister of Prince Marthanda Varmah about 200 years back. This Prince was able to subjugate Central and North Travancore and at the instance of this Brahmin Machiavelli, virtually placed the State under the influence of the Brahmin who was till then a rare bird in the country. There is absolutely nothing in common between the Malabar Brahmin or Nambudiri who is indigenous to the State and the Paradeshi Brahmin, as he is called, from British India.

"Wanjee Marthanda Perumal who assumed authority in A. D 1729, and held it for nearly thirty years was most successful in the subjugation of his neighbours, though at the same time severe and despotic in the Government of his people. He resigned himself entirely to the guidance of the Brahmins, for whose benefit he established a liberal though

perhaps a somewhat improvident expenditure". (Memoirs of Travancore" 1839, edited by Major Heber Drury).

So long ago as 1839, a competent European observed that the expenditure of the State upon the Brahmin (foreign mainly) was something improvident; and this expenditure has gone on unchecked ever since till now—for more than two hundred years. The country has been bled white.

Under the influence of this Brahmin Prime Minister and sometime Commander-in-chief, the Prince took three steps by which the whole State was surrendered bound hand and foot to the Brahmin.

The *first* was the surrender of the whole country to God Sri Padmanabha, the deity in Trivandrum by which the ruler assumed the role of the vassal of that deity.

And the land tenure itself was based upon this act of the ruler.

This is not the place to discuss the constitutional significance of such a step; how far it has been held by his successors, to be binding, if at all; nor the truth of the story itself except to quote some apposite remarks of Mr. K. M. Pannikkar from his excellent book "Indian States and the Government of India"

"What is really objectionable and leads to much of the misgovernment of the states is the failure on the part of a great many of the rulers to distinguish

between their private income and the revenues of the State. A good many of them look upon their dominions with a proprietor's feeling. To my knowledge one important ruler used always to allude to his territories as "my Estate". It is this feeling of proprietory authority in case of a large number of princes that leads them to an inadequate appreciation of the financial needs of government and a largely exaggerated view of their own necessities."

There is another tradition earlier and much more reliable, as it comes from an European source. Mr. Logan, in his Malabar Manual observes:— "It is a noteworthy circumstance in this connection that even now-a-days the Travancore Maharajhas on receiving the sword at their coronation have still to declare— "I will keep this sword until the uncle who has gone to Mecca returns."

These are all huge controversial matters, but one tradition which has been widely accepted is that the God Sri Padmanabha at Trivandrum was originally the deity found and worshipped by a Pulaya family— the lowest of the so-called untouchables in Travancore If so, that God, like other Gods found in other public temples throughout India must have had very humble beginnings.

Another point, which I am never weary of insisting, is that in course of time, these casteless and untouchable Gods came to be annexed and treated by the Caste Hindus as if they were their own all through.

"Many public temples in Southern India (including Palani itself)" observed Justice Sadasiva Iyer in a Madras case, "have been by tradition, established by Non-Brahmana devotees who had transcended caste and individual family and other attachments by their devotion or selflessness." It was, in so far as the caste Hindu was concerned, a simple "policy of annexation".

Secondly, Ottuparahs or feeding houses for the Brahmin, were instituted throughout the State, for the daily feed of the Brahmin.

Thirdly, the institution of Murajapom once every six years for feeding the Brahmin at a fabulous cost. This was supposed to remove the sins of the ruler in having burnt down temples during the wars which he undertook against his neighbours. History has not recorded what those temples were which were burnt down. And the sin is being continually washed away every six years. The total cost of such washings today amounts to more than several crores of Rupees; when, if the temples had been really burnt, they could have been rebuilt much more cheaply, indeed. The fact is, no temples were burnt and it was merely an excuse for the Brahmin to live himself at public expense.

The impoverishment of the people and the country did not stop here. The people of the State were taxed mercilessly and all the available public revenue came to be dumped in a cellar alleged to be situate beneath the pagoda at Trivandrum. This is how the historian

speaks of what happened during the middle of the last century.

"In every month, several days were devoted for the fulfilment of the vows at the Pagoda and on each occasion a large sum of money was given to the shrine. On one occasion the amount was one lakh of Surat Rupees which was heaped in front of the idol of Sree Padmanabha Swamy and the Maharajha took the numerous bags containing the rupees and poured the contents into the silver vessels which were kept there for the purpose. This work engaged His Highness about an hour and he had the determination of mind to go through the labour even in his delicate state of health."

"All valuable jewels brought for sale were at once purchased and made over to the pagoda as votive offerings to the diety"

"During this period" comments the Travancore historian "money was apparently considered by the Maharajha as dust."

It was of this period in Indian History that the London Times wrote in 1853 (quoted from Mr. K. M. Panikkar's "Indian States and the Government of India.")

"We have emancipated these pale and ineffectual pageants of royalty that awaits on an oriental despotism. It has been well said that we give these Princes power without responsibility. Our hand of iron maintains them on the throne, despite their

imbecility, their vices and their crimes. The result is in most of the States, a chronic anarchy, under which the revenues of the States are dissipated between the mercenaries of the camp and the minions of the Court. The heavy and arbitrary taxes levied on the miserable raiyats serve only to feed the meanest and most degraded of mankind. The theory seems in fact admitted that the Government is not for the people but the people for the king and that so long as we secure the King his sinecure royalty, we discharge all the duty that we, as sovereigns of India, owe to his subjects who are virtually ours".

Recently when an inventory of the jewels in the pagoda at Trivandrum was made, speculation was rife as to how they came to be stocked there and whether they were public property.

The following observations of the Caste Hindu historian about the same ruler ought to throw some light on the subject, as to whether it is public or not.

"The large sum of money amounting to upwards of thirty four lakhs of Rupees which was the surplus in the Treasury and which had been transferred to the Palace Treasury was all spent in vows and religious ceremonies at the pagoda and the Palace Treasury also soon became empty."

Thirty four lakhs of Rupees and upwards, a hundred years ago!; from the Public Treasury to the Palace Treasury and from there to the Pagoda! Is

what is found inside that temple today, public or private or communal?

His successor found it hard to meet his obligations to the British Government and therefore money came to be borrowed from the same temple at *fifty per cent* interest and was repaid.

These are matters which more properly belong to Travancore history but they are mentioned here as having a bearing upon the present problem.

At about the time when Hindu temples came to be taken over by the Hon East India Company, the Hindu temples of Travancore also came to be taken over by the Durbar acting under the inspiration of Col. Munro who happened to be the Dewan—Resident as well. While acting in this dual capacity he assisted considerably the Christian Missionaries in their proselytising work.

The so-called lower classes of Hindu society came to be weaned away by the Christian Missionaries to Christianity; leaving all the rich endowments of the Hindu temples in the hands of the Caste Hindus.

CHAPTER XXXI.

The Kamudi Temple case.

"The best known case relating to temple-entry" comments a distinguished author "is what is known

as the Kamudi Case, Sankaralinga V. Rajeswara Dorai reported in 31, Madras 236. The plaintiff sued for a declaration that as hereditary trustee of Madura temple he was entitled to exclude therefrom persons of the Nadar community, as their presence and participation were considered repugnant to the religious principles connected with the worship of Siva. This case was fought out strenously by the Nadars, who though originally a despised community have raised themselves in recent times by education and commerce to a respectable position in the social scale. When the case went up to the Privy Council it was held that Nadars had not made good their title to enter the temple and the fact they had another temple of their own in the neighbourhood was held to strengthen the contention that separation in worship between the two classes was not accidental but rested on deeper grounds. This cautious attitude was perhaps justified owing to the violent caste feeling which existed about that time between the Maravars to which community the temple trustee belonged and the Nadars. Marvars were so jealous of the claims put forward by the Nadars that on one occasion they planned arson on a large scale and a masacre of the Nadar community, and about 2000 people lost their heads, while entire villages were destroyed beyond repair."

There is absolutely nothing legally significant in the decision of this case in so far as the present question is concerned, the right of entry into a public temple. But to the lawyer in a hurry, to

the Varnashramite especially, the judgment has become scriptural and consequently it becomes necessary to deal with it in some detail, however limited it might be, even though it may appear to be disproportionate to the plan of the present work.

There is no knowing (from the reported judgments) as to when this temple at Kamudi in the Madura District within the Zemindari of Ramnad was founded; by whom it was founded; whether it was a public or private temple or a caste or communal temple or a village temple; who made the endowments, if any, and when; by whom the trustee was appointed; or when it began; whether, as a public temple, if at all, it was within the control of the Board of Revenue before 1863 and if so, when the control was divested. What one gathers from the findings and observations of the Courts in India and the Privy Council in the said case is that it was assumed to be a caste village temple.

"The Shanars admittedly have a temple of their own in Kamudi dedicated to Subramonia, Badrakali" etc. said their Lordships of the High court.

"First of all, the appellants (Nadars) as a matter of fact, worship by themselves in a temple of their own" observed the Privy Council.

The considerations which apply to such a village temple are something radically different from those which govern a public temple with which only we are concerned. In the case of such village temples it has been lucidly laid down by the Madras High

Court in a well known case and it is submitted quite properly that:—

"The relationship of the inhabitants of a village in respect of a temple and its properties owned aud managed by them in common partakes more of the character of a corporation than that which exists among the members of a club or *trustees public or private and the law regulating the latter does not apply to them.*"

This would make it absolutely unnecessary to go into the Kamudi case at all from a legal standpoint but for obvious reasons it has got to be done even at the cost of repetition, as it illnstrates some of the rank heresies which prevail upon this and sevaral other allied matters.

The seeming importance lies in the following factors:—

1. It is a decision, perhaps the only one, dealing with temple entry which went up to the Privy Council and consequently binding upon all the courts in British India.

2. It is the decision in which Agama Shastras came to be mentioned as applicable to temple entry.

3. Further, it was a decision in which caste occupations, as having a bearing upon temple entry, came to be dealt with.

4. Again, the powers of a hereditary trustee to effect compromises in matters affecting temple entry when matters reach a court of law, were also discussed.

As regards the importance of a Privy Council judgment in general, the following observations made by Sir. H S. Gour—one of the ablest commentators on Hindu law—may be noted:—

"The present state of Hindu Law constitutes an anomaly unparalleled in the history of the world. The Hindu law as expounded by the text writers and commentators has been declared to be the law of the Hindus. Though the Legislature possesses the authority to interfere, it is pledged to leave it alone. The old race of commentators who by interpretations, annotations and analogy brought that law in line with the altered conditions is extinct, and their occupation gone. Their place is now assumed by the Judges of the British Courts who are all subordinate to the Privy Council sitting in London. That high tribunal does not contain a single Hindu Lawyer." (This was true in 1923, when this was written and true enough at the time of the Kamudi Temple case). "It is manifestly out of touch with the current of Hindu opinion. Neverthless, it interprets, applies and at times modifies or extends the law, though it is in fact presumed to do no more than administer it. If in so doing it conforms to the altered opinion it is by a mere accident. If it departs from the accepted view the Legislature has rendered itself powerless to correct it."

Again, in another place, in 1923, Sir Hari Singh observes:—

"Despite the avowed policy of *Laissez faire* adopted by the Legislature, Hindu Law has been in

some respects modified, though in doing so it has naturally followed the policy of tinkering rather than of reconstruction. But even in rectifying its glaring defects or enlarging its liberties, its policy has been timid and hesitating and it has at times refused to respond to the volume of public opinion as in the instances when it refused to regulate the Hindu re-igious endowments or empower the celebration of intercaste and civil marriages. Even upon the questions of vital importance on which the courts are sharply divided the legislature has manifested a philosophic indifference leaving the chaos to rule till some one more aggrieved than the rest ventures to take up his appeal to the Privy Council who as often as not strive to steer clear of all knotty questions until they can circumvent them no more *Even then their pronouncement might not be certain and un-ambiguous or even if certain and unambiguous it might not cover all the issues upon which the Courts here have been at variance.*" (The italics is mine).

With these observations in mind, let us examine the Kamudi temple case.

"The suit was brought by Rajha M. Bhaskara Sethupathi, the Zemindar of Ramnad and as such the hereditary trustee of, among others, the temple of Kamudy in the Madura District in which Siva is worshipped under the form of Meenatchi Sundareswara. The defendants were residents of Kamudi and belonged to the Shanar Community. They were sued as representing the community under the proceedure

laid down in Section 30 of the Civil Procedure Code." (Act XIV of 1882).

The subordinate Judge came to the following among other conclusions:—

"I find the custom set up by the defendants of the right of entry into the plaint temple is not supported by those that are best competent to speak on the matter. It has not been proved that the defendants being Nadars are distinct and separate from the general community of Shanars. The hereditary occupation of the Shanars is proved, by census records and contemporary writers beginning from the early years of this century, to be the cultivation of the palmyra tree and the cocoanut palm and the extraction and manufacture of their juice. The local usage also supports the statement that Shanar community hereditarily follow the occupation of the manufacture of the palmyra toddy. The rules of worship in the plaint temple prohibit the entrance of persons engaged in that occupation within its walls. I also find that they belong to a class which, under custom and Shastras, are precluded from entering the plaint temple which is governed by the ritual prescribed in the Saiva Agamas adopted as authoritative and current in the Madura District."

Apart from the evidence in that case, two propositions were enunciated which have an intimate bearing upon the present question:—

1. That the Agamas govern temple entry;

2. That the occupation which a worshipper follows has something to do with temple entry even apart from the Agamas

The learned Judges of the High Court, Benson and Moore J. J. who heard the appeal preferred by the Nadars (against whom the suit went) observed:—(in upholding the judgment of the subordinate Judge).

"The Shanars, as a class,' observed their Lordships of the High Court in their Judgment, "have from time immemorial been devoted to the cultivation of the palmyra palm and to the collection of its juice and the manufacture of liquor from it. Their own local traditions connect them with the toddy drawers of Ceylon whence the Tiyans or toddy drawers of the West Cost, are also supposed to have immigrated. There are no grounds whatever for regarding them as of Aryan origin. Their worship was a sort of demonology and their position in general social estimation appears to have been just above Pallas, Pariahs and Chucklies (who are on all hands regarded as unclean and prohibited from the use of Hindu temples) and below that of Vellalas, Maravars and other cultivating castes usually classed as Sudras and admittedly free to worship in the Hindu temples. In process of time many of the Shanars took to cultivation, trade and money lending and today there is a numerous and prosperous body of Shanars who have no immediate concern with the immemorial calling of their caste. In many villages they own much of the land and monopolise the bulk

of the trade and wealth. With the increase of wealth they have, not unnaturally sought for social recognition and to be treated on a footing of equality in religious matters."

In dealing with the following issue their Lordships of the High Court said:—

"Whether there are Shastras prohibiting the defendants from entering and worshipping in the plaint temple?"—

"The subordinate Judge has examined this question at length and his conclusion is that, according to the Agama Shastras which are received as authoritative by worshippers in the Madura District, entry into a temple where the ritual prescribed by these Shastras is observed, is prohibited to all those whose profession is the manufacture of intoxicating liquor and the climbing of palmyra and coconut trees. The inference to which the Shastras would lead is that Shanars are prohibited owing to their hereditary caste occupation from entering the Sivite temples. No doubt many of the Shanars have abandoned that occupation and have won for themselves by education, industry and frugality, respectable positions as traders and merchants and even as Vakils and clerks; and it is natural to feel sympathy for their efforts to obtain social recognition and to rise to what is regarded as a higher form of religious worship; but such sympathy will not be increased by unreasonable and unfounded pretensions and in the effort to rise the Shanars must not invade the established rights

of other castes. They have temples of their own and are numerous enough and strong in wealth and education, to rise along their own lines and without appropriating the institutions or infringing the rights of others, and in so doing they will have the sympathy of all right-minded men and, if necessary, the protection of the Courts."

The Privy Council, to whom an appeal was taken by the defeated Nadar defendants observed:—

"Both Courts in India have decided against the appellants, the judgment of the subordinate Judge discussing the question in great detail and with much research and the High Court at Madras resting their decision upon extremely comprehensible and cogent grounds."

But for all that, their Lordships of the Privy Council said:—

"The controversy touches, but does not involve delicate and abstruse questions of Hindu religious doctrine. In the view of their Lordships, it admits of decision upon a much more palpable and limited range of facts."

And further in view of the contention raised by the appellants (who were actually parties to the suit and who were Nadars) before the Privy Council that "the decrees should have been confined in their operation to the appellants and not have included all the members of their Caste," their Lordships of the Judicial Committee restricted their finding to this much extent only:—"What the respondents haye

succeeded in proving is that by custom the appellants are not among the people for whose worship this particular temple exists. "

Because, " the limited range of facts in that case " established that " First of all the appellants, (i. e., Nadars) as a matter of fact, worship by themselves in a temple of their own. Second, the result, of the evidence is a complete failure to prove any resort by persons of the appellant's caste to *the temple in dispute* "

Therefore, on the questions of " Hindu religious doctrine " viz, whether Agamas regulate temple-entry in general and whether the occupation followed by the worshipper has anything to do with it, these " delicate and abstruse " questions were not dealt with by the Privy Council at all. And the decision itself has reference only to the temple at Kamudi and not to any other temple at all.

CHAPTER XXXII.

The Kamudi Temple Case. (*Continued*).

Perhaps I may be placing a heavy strain upon the patience of the lay reader in dealing minutely, to any extent whatever, with the legal aspects of this temple entry and particularly with this decision.

But it must be borne in mind, that opponents of temple entry to all Hindus alike, will rely and are relying upon this decision and the implications arising therefrom; that this is treated by lawyers, who are always in a hurry, as the "leading" case on the point; and further the matter was fought out, right up to the Privy Council, by the members of a Community, who along with the Tiyas of the West Coast, are "numerous enough and strong enough in wealth and education" compared with still other Communities who stand in the same predicament; and therefore in sc far as these communities are concerned, it will be argued, the last word has been said on the subject and the matter cannot be reopened.

It has been already stated that the temple was a village caste temple and not a public temple. Let me point out another danger. This suit was brought by a plaintiff who belonged to the Marava Caste or Community for a declaration that some defendants who happened to be Nadars of a particular village cannot enter the temple of which the plaintiff was a hereditary trustee and the zemindar of the place. The plaintiff did not seek for a declaration as regards other Communities than the defendants nor did he make representatives, if any, of other communities parties to the suit.

Yet during the course of their judgment, their Lordships of the Madras High Court stated:—

"All "Nadars" are Shanars by caste: unless, indeed they have abandoned Caste as many of them have by becoming Christians."

"Their own local traditions connect them with the toddy drawers of Ceylon whence the Tiyans or toddydrawers of the West Coast are also supposed to have immigrated There are no grounds whatever for regarding them as of Aryan origin. Their worship was a sort of demonology; and their position in general social estimation appears to have been just above Pallas, Pariahs, and Chucklias (who are on all hands regarded as unclean and prohibited from the use of Hindu temples.)"

Neither the question of temple entry as regards Tiyas nor their origin nor place of immigration; nor the cleanliness or otherwise or their right of entry of the Pallas, Pariahs and Chucklias—none of these questions arose at all in the suit. Nor was there necessity to institute a comparison at all as between these communities in the "social" estimation. All these learned observations are, it is submitted, highly irrelevent, to use mild language, coming as they do from high places. These are very delicate questions as observed by their Lordships of the judicial Committee and should not have been subjected to analysis at all.

"Dicta by Jndges, however eminent." said Lord Haldane a famous Lord Chancellor "ought not to be cited as establishing authoritatively propositions of law unless these dicta really form integral parts

of the train of reasoning directed to the real question decided. They may, if they occur merely at large be valuable for edification, but they are not binding."

I believe I have already indicated how by exhorting the "Nadars" to rise along their own lines and without appropriating the institutions or infringing the rights of others and by explaining how their social position can be improved by "abandoning the caste as many of them have, by becoming Christians", these two English Judges of the Madras High Court were indulging not merely in irrelevences but in propoganda and how, in spite of conversion to Christianity, "Caste" iniquities are still dogging their footsteps even in their converted faith. Caste is as rampant among Chriatians in India as among Hindus, as mentioned in detail elsewhere in this book.

What the lay reader has to notice is that their Lordships of the Privy Council in this Kamudi Case, carefully and very ably avoided discussing the two things which loomed so largely in the judgments of the High Court and of the subordinate Court and they are:—

(1) "the rules of temple worship" or the Agama Shastras and (2) "the restrictions sought to be imposed on account of the professions followed by the worshipper."

Their Lordships of the Privy Council laid down no new principle at all as regards temple entry, but

proceeded to judgment upon the facts—upon the evidence—established in the case. Upon the evidence in that particular case, their Lordships concurred with the view that to that particular temple it has not been established that the Nadars in that village who were parties to the suit were having temple entry.

But, in India, there is nothing which so gladdens the heart of the Hindu lawyer as a judgment—whatever there might be in it. It becomes sacrosanct; becomes part of his scripture.

"There are two observations of a general character which I wish to make and one is to repeat what I have very often said before," said Lord Chancellor Halsbury "that every judgment must be read as applicable to the particular facts proved or assumed to be proved, since the generality of the expressions which may be found there are not intended to be expositions of the whole law, but governed and qualified by the particular facts of the case in which such expressions are to be found. The other is that a case is only an authority for what it actually decides. I entirely deny that it can be quoted for a proposition that may seem to follow logically from it."

"When a previous case" observed Lord Haldane "has not laid down any new principle but has merely decided that a particular set of facts illustrates an existing rule, there are few more fertile sources of fallacy than to search in it for what is simply res-

emblance in circumstances and to erect a previous decision into a governing precedent merely on this account. To look for anything except the principle established or recognised by previous decisions is really to weaken and not to strengthen the importance of precedent":

" The only use of authorities or decided cases" said a very vigorous and refreshing Master of the Rolls "is the establishment of some principle which the Judge can follow out in deciding the case before him.',

To these may be added the observations of Justice Shah of the Bombay High court as regards the weight ordinarily to be given to a Privy Council Judgment by the subordinate courts in India:--

"I may state that we are bound by any decision of the Privy Council and to give effect to it. But apart from the decision, if there are observations not necessary for the decision of the case, we are not relieved from the obligation of considering how far these observations can be and should be given effect to on the facts of a particular case."

In fact in the Kamudi case their Lordships of the Privy Council not only avoided deciding anything with reference to Hindu canon law, but merely opined, that " much may be said on both sides."

CHAPTER XXXIII.

The Kamudi Temple Case (*Continued*)

"The evidence has been admirably analysed by the High Court and their appreciation of the quality of the evidence on the one side and on the other, concurring as it does with that of the subordinate Judge, is entitled to the greatest weight."

We dont know who the subordinate Judge was but it may be useful to remember something about the scheme of things which prevails as regards administration of justice in India. "Where (as in India in all civil cases and most criminal cases) the judge is a Judge of both facts and law, it is impossible to ask him not to use his knowledge of particular classes of people and other like circumstances when arriving at a conclusion on facts."

"A judge must be allowed, of course, to use his knowledge of general or public facts, historical, scientific, political and otherwise in coming to his conclusions'. "I have found it not possible" said a a very outspoken Judge of the Madras High Court "to wholly exclude my own general knowledge (as a Hindu) as to the sentiments of Hindus on these matters (relating to rights of some classes to draw water from public wells) in considering the evidence in this case." The learned Judge even quarrelled with the idea of Judges not using their personal knowledge and stated politely that because of Judges failing to use their personal knowledge there is some

agitation in this country for village panchayats to be constituted as Judges so that they might use their own knowledge of the facts and the character of witnesses to come to conclusion on facts.

These observations may be helpful when we come to the question of referendum (about which later) but at the present moment, the important thing to remember is, that no judge high or low, could get away from his own knowledge of several things, his own private views, predilections, fancies and whims, in arriving at conclusions of fact.

"This cautious attitude (of the Privy Council) was perhaps justified owing to the violent caste feeling that existed about that time between the Maravars to which community the temple trustee belonged and the Nadars. Maravars were so jealous of the claims put forward by the Nadars that on one occasion they planned arson on a large scale and a massacre of the Nadar Community and about 2000 people lost their heads while entire villages were destroyed beyond repair.',

Thirty five years have passed, and much water has flowed beneath the bridge, since the above trouble arose. The Zemindars of Ramnad have been ever noted for their philanthropy, and their patronage of Tamil literature. They have taken and are even now taking a very important part in the public affairs of the Presidency. Even in those troublesome days, it is common history, that neither the Zemindar nor the martial Maravas were responsible for the unhappy events. Others belonging to the so called high castes

were at the bottom of it The genesis of the trouble will be dealt with later when dealing with right hand and left hand factions.

The tragedy of it, from the legal standpoint, occurs in the circumstance, that the sole plaintiff in the above case, the hereditary trustee, the Zamindar of Ramnad, when he attempted to pour oil on troubled waters, was sat down upon by learned Judges.

"The defendants (Nadars) preferred an appeal from that decision to the High Court, but prior to the hearing of the appeal a compromise was come to between the plaintiff (the Rajha of Ramnad, trustee of the temple) and the appellants recognising the rights of their caste to worship in the temple; and on 2nd May 1901, the appellants applied to the High Court for a decree to be made in accordance therewith. And on 25th September 1901, the High Court made an order refusing to make a decree in accordance with it on the ground that "it was a breach of trust on the part of the trustee of the temple and as such unlawful under the provisions of section 375 of the Civil Procedure Code.,,

Upon this their Lordships of the Judicial Committee made these unusually, and it is submitted, unhappily severe remarks:

"Their Lordships have spoken of "the respondents" generally; but it is necessary to note the episode in the proceedings evphemistically described as "the compromise." The original plaintiff in the suit was the Raja, who was the hereditary trustee of this

temple, which was the temple of one of the villages in his Zemindari. After the case had been decided in his favour by the Subordinate Judge, this person thought fit to profess that he now saw that he and the Judge were wrong; and he asked that the judgment should be altered, so as to defeat his own action. The Court, on being applied to, very properly reinforced the cause of the worshippers of the temple by joining certain new plaintiffs to the original plaintiff (whose confidence in the justice of his suit had by this time convalesced). The principles applicable to the case of a trustee who thus betrays his trust by surrendering a decree have been well stated and applied by the High Court."

In so far as the discretion of a trustee (hereditary or otherwise) to regulate enty in a village temple is concerned, it has to be submitted that it is very wide. The "trustee" here also is merely an euphemism for a "manager". If the "manager" or "trustee" of a village or caste temple transgresses any rule on the point of Temple entry, it is the lookout of the villagers or the caste men of that village, for whose sake the temple was founded and endowed, to have the manager removed from that office. But such removal can take place only by the decision of the majority of the villagers or castemen. (Vide 1917 M. W. N. 595).

The question is altogether different when it comes to the trustee of a "public" temple.

The point has been already dealt with; and it is now taken merely to illustrate the very difficult

and delicate situations in which "trustees" of public temples may come to be placed.

"The manager of a public Temple cannot make rules preventing free admission of every worshipper thereto for the purposes of worship. Nor can he levy an admission fee though he may regulate admission to a particular part owing to the value of the idol and its ornaments. In this and other matters of detail, the manager doubtless possesses a power which must be exercised not capriciously but only in good faith on necessary occasions and for necessary and legal purposes as for preserving orderliness and decency of worship." Thus writes an eminent commentator on Hindu Law.

The trouble arises this way, as regards the powers of the trustee of a public temple and it has got to be kept in mind always. The "trustee or manager or superintendent" of a public temple is a creature of the Government; the sovereign powers or residuary powers are with the Government; before that they were with the Honourable East India Company; when the "divestment" of the control by the Board of Revenue to the "trustees and temple committees" took place the sovereign power continued as before; who all had entry into these public temples before 1841, when the policy of transferring these "pagan" temples was enunciated, there is no knowing; at any rate Europeans must have had entry before that time, as it has since become an established custom; but as justice Sadasiva Iyer pointed out in a reported judgment, the touch of a European

brought about pollution to the Hindu; therefore it is clearly deducible, from the entry of Europeans into the public temples, that his butler and his bearer would have entered with him; and that no "manager, trustee or superintendent" before 1841, would have dared to interfere with anybody's entry

Again, the transfer as pointed out already and may have to be repeated hereafter, was to those who adopted the *creed* and not the "Caste" of Hinduism. Consequently the Government of the day did not issue any instructions as to which caste, subcaste or community among those who have the "Creed" of Hinduism was to be admitted. The Government seemingly reserved to itself the power to judge as to whether a "trustee" acted according to rules or custom without indicating to him either the rules or the custom to be followed by him. The situation was delightful and not unlike that which happened to the road entry question in Travancore and elsewhere.

Coming back to the "evidence" in the Kamudi Temple case upon which alone their Lordships of the Privy Council proceeded to judgment, we shall have to make one or two general observations first. Writes an eminent Judge who is not a Hindu:—

"No doubt the question as to who endowed the temple or for whom it was endowed are important legal considerations in deciding about the exclusion of inferior castes, but in most cases there is no reliable history behind a temple and the evidence

adduced by the men in charge is usually interested and worthless."

In another place, the above writer observes:—"The evidence adduced about the history of the existing conventions (regarding temple entry) is usually so vague and indefinite and often so far from the truth."

In the Kamudi Temple case their Lordships of the Madras High Court observed. "The evidence is, as might be expected, conflicting, but there can be no doubt whatever as to its general result."

The evidence in that case must have been of the usual type—to be cryptic. The only characteristic in that "evidence" which was not noticed throughout was, that it was not "immemorial" as sound law required— i. e., beyond the living memory of man.

To conclude, there is absolutely nothing affecting the present controversy over temple entry in the Privy Council Judgment in the Kamudi Temple case over which the lawyer need be frightened: more so, after the recent decision by the Privy Council in the suit taken by Vaniya Vaisyas as regards the public temple at Tiruchendur.

CHAPTER XXXIV.

Professional Restrictions to Temple-entry.

Even though as pointed out already, the Privy Council in the Kamudi case had not entered into

the region of Hindu canon law on the question of temple entry, a very dangerous doctrine (not thought of by even Muthuswamy Iyer J. in the earlier Madras case) was introduced by the subordinate Judge and upheld by the High Court, though completely ignored by their Lordships of the Judicial Committee viz:—that a man's occupation in life in the dim and obscure past had and has something to do, either now or at any time before, with his right to enter a temple for worship.

"The hereditary occupation of the Shanars is proved by census records, and contemporary writers beginning from the early years of this century, to be the cultivation of the palmyra tree and the cocoanut palm and the extraction and manufacture of their juice. The local usage also supports the statement that the Shanar community hereditarily follows the occupation of the manufacture of the palmyra toddy. The rules of worship in the plaint temple prohibit the entrance of persons engaged in that occupation within its walls." That was how the learned subordinate Judge put it, in the Kamudi temple case.

"I also find" continued the same subordinate Judge "that they belong to a class which under custom and Shastras are precluded from entering the plaint temple which is governed by the ritual prescribed and adopted as authoritative and current in the Madura District." I have already shown how the Agama Shastras never prevented a Nadar getting initiated into the Saivite faith; how a Nadar gentleman, Enadi Nayanar, has been canonised into a

Saivite Saint and worshipped as such in almost all the important Saivite public temples in South India. But, as already shown, the finding was restricted only to the "plaint temple", and as we do not know whether it was a public temple or not and as in the case of the latter (caste or communal temples) it is just possible to exclude all and sundry and in spite of all Agamas to the contrary, we need not labour the point further. Anyhow it has to be noted, that there was in that case ample evidence of the entry of Nadars into public temples.

"In a few individual cases in Tanjore and other districts away from Madura they (Nadars) appear to have to some extent succeeded." "There is some evidence on defendant's (Nadars) side that Nadars have been allowed to enter certain Hindu temples in Tanjore and Coimbatore district, and at Chidambaram in the South Arcot District and also at Palni in the Madura district." This from the High Court.

It is not known that Agamas governing Saivite temples varied from district to district; or that a miserable insignificant caste temple in the unknown and unheard of village of Kamudi can at all compare with any of the above magnificent public temples at Chidambaram, Palni, Tanjore and other places, to which Nadars were having unrestricted access.

Therefore, if the temple at Kamudi had been a "public" temple, of the class mentioned above, it goes without saying that both custom and Agama

Shastras would have permitted entry to the Nadars; but unfortunately it was not a public temple; it was as the evidence and the findings in the case fully establish, a caste village temple—with which we are not concerned.

"Their (Nadars') own local traditions connect them with the toddy drawers of Ceylon whence the Tiyans or toddy drawers of the West Coast are also supposed to have immigrated" observed their Lordships of the High Court; and further continued that in spite of their rise in wealth and power "the general attempt of the caste to force itself to an equality with the better castes in social and religious matters has been fiercely resisted in the southern districts and especially in Madura". "There can be little doubt" comments a Barrister of distinction, "that the modern judicial habit of making caste rules and conventions rigid has put an end to the ease and flexibility with which in an earlier day communities went up higher in the social scale when they became wealthy or conversely came down when they became poor or failed to pursue their proper avocations."

For the injustice and iniquity shown by the caste Hindu of India to the Hindu immigrants from Ceylon according to tradition and who now number millions among them, surely enough it looks as though awful retribution has overtaken the Tamil Nadu as also the whole of India.

Let us see what is happening to the Tamil immigrants to Ceylon—a section of them, at any rate.

A distinguished Indian journalist Mr. St. Nihal Singh writing under the caption "The Indians that Ceylon wants" wrote sometime back in the "Modern Review" that "Indians and the performance of dirty work are synonymous in the Island. India has, in consequence, become in Ceylonese eyes the land to which they look for their sweepers and scavengers." The Municipalities in Ceylon, it seems, boast that they "will be able to secure all the scavengers that they needed from Southern India." "I do not remember any place of any importance" continues the same writer "that I have visited in Ceylon—and I dare say there are not many even among the Ceylonese who have travelled much more extensively than I have in this Island—where the conservancy work was not left entirely to Indians"

"Is it any wonder" exclaims the journalist, "that India and Indians have gone down in the estimation of the Ceylonese. India has fallen indeed At least, she has fallen in a Ceylonese eyes. It appears to me however that our people at home are unconscious of this fall or if not unconscious, they are apathetic and do not care how they and their kind suffer in the estimation of other nations."

And the journalist made an appeal to the then Viceroy (Lord Irwin) to remedy this evil thus:—

"Some time ago a powerful agitation was started to prevent Italians from going out of the country to engage in occupations abroad that brought all Italians into contempt. Mussolini (with one stroke

of the pen) forbade the issue of passports to any Italian who had been known to have engaged or it was suspected would engage in a calling that would lower his nation in the estimation of the foreigners among whom he chose to practice it. I commend that example to Lord Irwin." That is that. It looks as though it were a bit of poetic justice—for all the consideration which the caste Hindu shows towards his humbler fellow-beings in India itself.

Under the Agamas, as regards temple entry, there is no distinction made then, as now, as between worshipper and worshipper because of the occupation which he chooses to follow. Such a doctrine was rightly thrown overboard by the Privy Council in the Kamudi temple case.

But notwithstanding this, Sadasiva Iyer J. held in the Panakudy temple case:—

"Now, coming to the Caste status of the plaintiffs who are Ilaivaniars, it is first to be remarked that the Tamil word "Vaniyan" is derived from the Sanskrit "Vanija". Vanij (Baniya in the northern vernacular) merely means a Vysia who has trade as his occupation. The term "Vaniya" in Tamil when used by itself has come to mean a trader in oils. A trader in oil especially when he crushes seeds to obtain the oil is considered to follow a sinful occupation. In the Census Report of 1901, Mr. Francis I. C. S. says at page 182 that "for some obscure reason Manu, classed oil-pressing as a base occupation." The reason however, is clear enough. In Chapter 14 Sloka 85, Manu says that an oil press (which destroys the

lives of innumerable vegetable seeds) is not better than a slaughter house and that is the reason why the caste of the Sekkan or Thilavaniyan (shortly called Vaniyan) is considered an impure caste. But the plaintiffs in this case are Ilavanians, that is those who trade in leaves and one ought not to be misled by the use of the word "Vanian" as part of their caste designation."

In the enthusiasm for philological research, all unwittingly, Sadasiva Iyer J. led the "Vaniyas" into disaster, even though Ilavaniars escaped scot-free. For in later years, Vaniyas have been, on the above reasoning, denied access to at least one well-known temple in South India by Judicial blunder.

On the West Coast of Malabar, especially Cochin, all "Vanijas" or traders, whatever be the trade or occupation were treated as Chetties and denied access to temples, except on passports obtained from temple authorities. Even more than occupation, the tuft of hair was the test. It was much easier for a camel to pass through the eye of a needle than for a back-tufted man to enter a temple on the West Coast. That is how Chalias (weavers) and Kammalars (artisans working on gold, silver, stones etc.,) and ever so many others—though treated as caste Hindus in the Census—came to take no part in the Congress Referendum taken in the Ponani taluq recently. As most of these people—Vaniyas, Chalias, Kammalars—had taken to wearing sacred thread, it became a problem to distinguish them or their Varna, from the Brahmins of

the East Coast and their Varna. The Nambudiries or Malabar Brahmins are fairer in colour than the Brahmins of the East Coast. The problem became so acute, that more than a hundred years ago, a proclamation had to be issued by the Travancore Durbar, that no one Brahmin after 994 (Malabar Era) can enter the temple of Sri Padmanabhaswamy in Trivandrum--whose vassal the ruler is—except with the previous sanction of the Palace authorities. And this prohibition in the old days, has even led to the question among the Brahmins of Trivandrum, whether Dr. N. Subramonia Iyer, the famous Varnashramite and his few admirers, have themselves obtained these credentials and have the right to enter a temple in Travancore.

South Indian Gods—high and low—in the old days cannot afford to miss spiritous liquors; as were the Aryans of old—with their "Soma" juice: their "drinking" saloons in Chanakya's time; and "sacred water" within the temple. Today, the humbler gods in South India, are fond of a "peg" or two. And it has been known how even highly placed Gods are being taken "liquor" as an offering.

All the time, these Brahmin Judges and lawyers were laying down the law based upon Smritis and not the Agamas—(which concerned itself only with initiation or "Diksha" as the sole test,) let us see what became of the "occupation" of the Brahmin. It must be noticed that even though all these sub-castes, notably Nadars and Tiyas, had given up long long ago their old occupations and had come

to occupy a very high status in society—still they were denied entry; and on the other hand—let us see.

"One can well imagine" wrote the Abbe Dubois more than a century ago, "that when Brahmins are launched in the turmoil of public affairs they soon lose sight of the religious observances of their caste. Firmly convinced as they are of the truth of their favourite dictum that to fill one's belly one must play many parts, Brahmins are clever at turning their hands to many ways of earning a livelihood. Some take up medicine. Others become soldiers. Trade in itself is not considered at all degrading to a Brahmin and men of this caste who are engaged in it are to be met with everywhere; only there are many things which Brahmins are not allowed to see and which consequently they cannot include in their operations, such, for instance, as red cloths, the seed and oil of Sesamum, husked rice, liquids of every kind, salt, perfumes, fruits, vegetables, poisons, honey, butter, milk, sugar etc.".

So that, during all the time, such of the castes, or outcastes, as were engaged in them were giving up their traditional occupations in order that they may attain a higher status (as they conceived) in the social scale, these same occupations were being usurped by the Brahmins and the latter did not at the same time lose their caste or social status. And not only that, they became Sanatanists or Varnashramites as well! And these be, thy Gods! Oh, Israel!

But, then, as some one remarked, "Manu begat Mayne and Mayne begat the Madras lawyer" the fundamental greatness of that Smriti is that what is sauce for the gander is not sauce for the goose. When the Madras lawyers became Varnashramites and became also trustees and receivers under "Scheme" suits—well, he began to lay down the Law—quoting Agamas but following Smritis. The Agamas were dead set, as pointed out previously, against the entry of a Brahmin into a Hindu temple in South India; and for a probable reason which the learned Abbe Dubois has pointed out long after.

"If Brahmins," wrote the French Missionarry, "kept strictly to the letter of the rules of their caste, they would live in isolated places, far from the haunts of men, where their whole lives would be spent in religious excercises. They would perform their ablutions regularly three times a day; they would offer the sacrifice called Sraddha to their ancestors, and they would devote all their leisure moments to reading the Vedas and other sacred writings, to acquring knowledge and to meditation. But the poverty of many of their number and the avarice and ambition which are the ruling passions of each and all, preclude the possibility of subh a philosophical mode of existence"

"There is a well-known Hindu proverb which says, a temple mouse fears not the Gods. This exactly applies to the Brahmins, who enter their temples without showing the slightest sign of serious thought or respect for the divinities who are enshrined

in them. Indeed, they often seem to choose these particular places to quarrel and to fight in. Even while performing their numerous religious fooleries, their behaviour shows no indication of fervour or religious devotion. As a matter of fact, their religious devotion increases or diminishes in proportion to the amount of profit they expect to make out of it and it also depends on the amount of publicity surrounding them Those deities who do not contribute towards the welfare of their votaries here below only receive very careless and perfunctory worship." That is perhaps why the Agamas proclaimed it early enough that the worship of the idol in a temple by a Brahmin would spell disaster to King and country.

CHAPTER XXXV.

Allied Problems.

In the welter of confusion which prevails as regards temple entry itself, it has been a question with the present writer whether it would be wise to enter into such topics like road entry, use of public wells and tanks, processions etc.. by Harijans. But two reasons have prompted him to deal with these questions also, much as he would have liked to have avoided them and there would be no harm done if any patient reader, who has survived so far, feels tempted like avoiding it.

The two reasons are:—

•(a) In most places, especially on the West Coast of the Presidency, before a Harijan can enter a temple, he will have to get on to the roads before the temple and surrounding it. That at present is not done.

(b) A solution of the problem as to why it is not done will help in solving the difficulties surrounding the question of temple-entry also.

First of all, it has to be recognised that the agitation by reformers in favour of temple entry to the Harijans is an extreme swing of the pendulum. No doubt it has had, as was intended to have, a very great educative effect. But Guruvayur by itself will not solve the temple-entry problem, as any more than Vaikom did in so far as the road-entry problem was concerned—unless, of course, the agitation in favour of temple-entry is kept red hot right through till the object is achieved. But that exactly is where Vaikom was in one sense a failure and points to the grave danger which might overtake the whole affair, if the present agitation gives place to some other work When in Travancore, following on the Vaikom Satyagraha, another had to be started in the same State, at Suchindram, even the Police Commissioner, an Enlishman, was surprised at it. This is how a distinguished gentleman (who afterwards became a judge of the High Court and who was then negotiating to bring about a settlement between the Government and the Satyagrahis at Suchindram) wrote:—

"I saw Mr. Pitt (the Police Commissioner at the time of the Suchindram Satyagraha and he was also the Police Commissioner during Vaikom Satyagraha) this afternoon and had a talk with him. *He is very much annoyed over things as he thinks that there was some kind of agreement that when the thing was settled at Vaikom there will not be a repetition of the Satyagraha in any other place.* After a few days when things have settled down Mr. Pitt will get the permission of Government for the use of the roads by the untouchables and he will take steps to protect them against any violence on the part of the opposite party." To cut a long story short, there has been no improvement on this much-vexed question of road-entry in Travancore even after the Vaikom compromise. Things have been going on as before.

It should not be supposed from what has been stated hitherto, that these troubles exist only in Malabar, Cochin and Travancore For that matter, it exists throughout South India—it being a question of degree only. It may be admitted for what it is worth that it is not so bad as on the West Coast.

A distinguished writer, Mr. Paul Appaswamy, whom I have frequently quoted, observes:—

"Another telling instance comes from Tinnevelly. The trunk road running into Tinnevelly town becomes a street in the forepart of which dancing girls and prostitutes live, while further on there are a number of Brahmin houses. Before the road takes a turn it passes through a sort of preliminary Man-

tapam which faces the main temple in Tinnevelly being divided from it by a broad public road. A Pariah died in the town and his corpse was sought to be taken out through this road But the higher castes prohibited it altogether and the corpse was lying for a whole day in front of the Mantapam mentioned above while a fierce riot was going on, several people losing their lives. The Collector had to intervene in person with a large body of constables to restore order and eventually the dead body of the Panchama had to be taken by lanes and by-lanes and over paddy fields to be cremated."

As regards Vaikom the same learned author writes:— "The case of Vaikom in Travancore will be familiar to every one. The road in question was constructed and admittedly maintained out of public funds to which members of all castes contributed. It runs however, by the side of a temple to which the higher castes have exclusive access. The temple authorities had no objection and no right to object to a Christian or Mahommedan or Buddist using that road, even though these latter may themselves have been recruited from the lower castes but when a Hindu Ezhava or a Thiya attempted to pass that way he was prohibited".

"The legal position is said to be this. The roads under the control of the State are divided into two classes, class A, which is open to members of all castes and class B which is exclusively confined to the use of certain castes. The Vaikom Road, though maintained out of public funds falls within

Class B and the State accordingly considers it part of its obligation to prevent its being used by low caste Hindus."

Once upon a time, a husband and wife quarrelled. An arbitrator, invited by both parties to decide, gave his award, to the following effect. "In all big things, the wife must obey the husband; but in small things, the suggestions of the wife must, of course, be accepted by the husband." This decision was seemingly satisfactory at the time to both parties and the Judge. There was no quarrel at all afterwards as between the husband and wife except a difference of opinion as to what was a big thing and what was a small thing. A similiar thing happened when the Judges classified the roads in the State into Rajapathais and Gramavithies—without disclosing what roads are what. And there is no knowing it even to today.

Just fifty years ago Hindu lawyers in Travancore split the roads into two. To use judicial language this was what was held, viz., "that the distinction between King's Highway or Rajapatha and Common-way or thoroughfare or Grammaveethi does obtain in the state according to the customary law of the country; that the former is open to all classes of His Highness's snbjects without distinction of caste or creed, for all purposes not forbidden by law, and that with regard to the latter the local custom or usage alone should determine its use." This is how the legal position of the roads started in Travancore.

Two important things have to be considered at this juncture. This decision came to be pronounced in a suit brought by Romo Syrian Christians for a declaration that they were entitled to carry their religious procession through a street known as Jew's street and occupied entirely by Jews in a place called Paroor in North Travancore. There was no question of any Hindu religious sentiment involved in it. This will become important later on, viz., that the prohibition is not based upon any Hindu religious prejudice. Secondly, even in that case one of the Judges who took part in it observed as follows:— "Before concluding I must say that in these matters local and special custom should be respected. What they are may be easily ascertained by taking evidence as to the persons who are entitled to the use of a thoroughfare and to the manner in which they are entitled to it. I may also suggest that the Government will do well to declare by a notification what roads and ways in important towns are King's or Public highways and what not. At present we are bound to respect the customs of the country and administer the general law of the country as we find them."

This suggestion made by the High Court of Travancore has not been acted upon by the Government for the last fifty years, even though a few years back the Government promissed to place such a list before the public which has not been done hitherto. Therefore in the absence of such a notification by Government every inch of every road in the State has to be fought out in a Court of law

as to whether it is a Rajapathay or Grama Veethy. That is why even after the Vaikom compromise when a Satyagraha came to be started at Suchindram, the Police Commissioner was surprised, but it would cause no surprise to any lawyer in the State as that question is even today an open one. This bears a close analogy to the question of temple-entry also, because when the British Government took under their control the Hindu Temples, they had not recorded then as to which communities can enter those temples and which cannot and when subsequent to 1841, they handed over these temples to their own trustees they did not mention as to which communities can enter or which cannot and therefore that has now come to be an open question, and the subject matter of litigation throughout. Therefore when in spite of the judicial suggestion the Government refused to publish the notification, the legal result of Vaikom Satyagraha was not to improve matters but to make it more rigid.

A justification for such a prohibition and for such a distinction as regards roads into public Highway and Gramaveethi was pointed out in that old case. "The use of the roads other than the public Highways is regulated by local usage and custom. Streets on the four sides of a temple through which periodical processions of the presiding deity are usually carried on, streets exclusively occupied by a particular section of the community are instances of such ways (i. e., Gramaveethis). The local usage regulating their use cannot be said to be unreasonable." In a

similiar strain, a later distinguished writer observes:— "Where the roads in question pass through Agraharams or temples there must be some justification for such an exclusion." What we have got to see is whether there can be any justification at all for such exclusion even as regards roads surrounding a temple and roads occupied by particular communities.

It was pointed out by Justice Sadasiva Iyer in the Panakudi temple case that "even outcastes were not wholly left out of the temple-worship, their mode of worship being made however to severe restriction as they could not pass beyond the Dwajasthambam and (sometimes not beyond the temple outer gate) they could not have a sight of the images other than the processional image brought out at the time of festivals." This will show that processions and festivals outside the temple have at any rate been specially intended for the benefit of the outcastes and it would be monstrously unfair to hold that if on such occasions they could enter the roads for worship, they could not do it on ordinary occasions. Again it has been noticed in the Kamudi Temple case quoting from "Beaiearlin's Land of the Tamilions" published in 1875." "Living at the Southern extremity of India and possessing only a barren country they (Nadars) were not much affected either by the Brahmin immigrants or by the Mahommedan sway. The Brahmins suffered them (the Nadars) to drag their idol cars, but did not permit them to enter the temples." Even today in most temples in South India these idol cars are being drawn by these socalled

outcastes and untouchables so much so that without them there would be no festival at all. But in Travancore on the other hand special care is taken by putting up a prohibitary board that on these festival occasions neither the untouchables nor the outcastes can approach anywhere near the cars or the streets; and this goes on in Dravidian temples consecrated according to Agamas. For in no Malabar Temple is there a car festival or car streets or any car.

As a matter of fact in temples in Malabar no procession of the image is taken outside the precincts of the temple and when they are taken out there is no pollution as on Arrat occasions in Trivandrum and other places.

Therefore it is clearly seen that there can be no foundation on any religious ground for this exclusion or prohibition from road-entry. As a matter of fact these streets came into existence for the entry of the outcastes for the worship of the image. Therefore the very beginning of the road was religiously for giving entry and it is the prohibition which is irreligious. Hence there is no justification on this ground. Whoever might occupy that street will have to put up with that pollution. He may if he is not satisfied with it, vacate and secondly this prohibition of roads is not based on any religious ground, as seen from the fact that even in the old Travancore case it was a conflict between Christians and Jews. Usually the conflict is between Vellalas and Nadars and generally between people who are considered to be of a high caste and those of a low caste. The

distinction therefore is based upon a caste-prejudice and not upon a religious basis. The secret of the trouble lies not in religion nor even in caste but to a faction which is peculiar to South India and which came into existence a few centuries ago, Viz., the right hand caste and the left hand caste.

CHAPTER XXXVI.

Right hand and left hand factions.

The learned Abbe Dubois writing before 1823 A.D. (more than a century ago) made these observations about these factions:— "There is yet another division (other than caste) more general than any I have referred to yet, viz., that into right-hand and left-hand factions. I have been assured that it is unknown in Northern India. This division into right-hand and left-hand faction has turned out to be the most violent disturber of the public peace".

"Most castes belong either to the left-hand or right-hand faction; the former comprises the Vysia or trading classes, the Panchalas or the artisan classes and some of the low Sudra castes. It also contains the lowest caste viz., the Chucklers or leather-workers who are looked upon as its chief support".

"To the right-hand faction belong most of the higher castes of Sudras. The Pariahs are its chief support."

"The Brahmins, Rajas, and several classes of Sudras are contented to remain neutral and take no part in these quarrels. They are often chosen as arbiters in the difference which the two factions have to settle between themselves."

"The opposition between the two factions arises from certain exclusive privileges to which both lay claim...When one faction trespasses on the so-called rights of another, tumults arise which spread largely over large traet of territory, afford opportunity for excesses of all kinds and generally end in bloody conflict."

"The rights and privileges for which the Hindus are ready to fight such sanguinary battles appear highly ridiculous especially to a European Perhaps the sole cause of the contest is the right to wear slippers or to ride through the street in a palanquin or on horse-back during marriage festivals. Sometimes it is the privileges of being escorted on certain occasions by armed retainers, sometimes that of having a trumpet sounded in front of a procession or of being accompanied by native musicians at public ceremonies. Perhaps it is simply the particular kind of musical instrument suitable to such occasion that is in dispute or perhaps it may be the right of carrying flags of certain colours with certain devices during these ceremonies. Such at any rate are few of the privileges for which Hindus are ready to cut each other's throat".

"It not unfrequently happens that one faction makes an attack on the rights real or pretended of

the other. Thereupon the trouble begins and soon becomes general."

"I could instance very many examples bearing on this fatal distinctions between right-hand and left hand, but what I have already said is enough to show the spirit which animates the Hindus in this matter. I once witnessed a dispute of this nature between the Pariahs and Chaklars or leather-workers. There seemed reason to fear such disastrous consequences throughout the whole district in question that many of the more peaceful inhabitants began to desert their villages and to carry away their goods and chattels to a place of safety just as is done when the country is threatened by the near approach of a Maharatta Army. However matters did not reach this extremity. The principal inhabitants of the District opportunely offered to arbitrate in the matter and they succeeded by diplomacy and conciliation in smoothing away the difficulties and in appeasing the two factions who were only awaiting the signal to attack each other."

"One would not easily guess the cause of this formidable commotion. It simply arose from the fact that a Chaklar had dared to appear at a puplic ceremony with red flowers tucked in his turban, a privilege which the Pariahs allege belong exclusively to right-hand faction."

The translator of the above work Sir Henry K: Beauchamp, sometime editor of "The Madras Mail" appends this note in 1906. "These faction fights

have gradually disappeared under the civilizing influence of education and good Government, and if they ever occur at all are confined to the lowest castes and never spread beyond the limits of the village. The distinction between the two factions however still exists."

It is because judges and lawyers have missed the existence of such a distinction and the existence of such factions throughout South Iudia that the present day confusion with reference to temple-entry, road-entry, use of public wells and tanks, and other questions has arisen. We have already pointed out how the caste-Hindus of South Travancore prohibited Nadar women from covering the upper part of their body; how it led to massacre and bloody riots and how the Government of the day was put to considerable trouble over the matter. The significance of that episode will be completely lost if we did not know of the age-long conflict between the right-hand and left-hand factions. "What is bred in the bone will be out in the flesh". The caste Hindus of the day took the law into their own hands and inflicted very severe injuries on the Nadars because the former claimed the privilege of dressing decently as being exclusively theirs and not only that, they camouflaged the whole thing as being a religious question and took their stand upon the Proclamation of Queen Victoria alleging that the Government had no right to interfere in the matter, much in the same way that the opponents of the Sarada Act rely upon that Proclamation. It must

be remembered that the Nadars of South Travancore were styling themselves, till very recently as of the "superior right-hand faction," "Valankaiuarvu Kondarkal,"

This ought to be a clue to the trouble which arose over that incident. Similarly the factions which exist in the matter of processions &c., as for instance between Jews and Christians and between the several sub-castes among what are usually called Sudras are traceable to this old feud of the right-hand and the left-hand. The permutation and combination of several castes in this faction varied from place to place and village to village.

At the present moment there is one significant fact to be noticed and that is the learned Abbe Dubois does not mention, that any trouble arose out of any attempt made to enter a public temple and that it is important this way. viz. at about the time he was writting these memoirs (about 1823) all the public temples were under the control of the British Government and I have shown already how when these temples were under the control of the Government, Europeans were entering them and therefore everybody else including Pariahs would have had access to those temples.

The trouble as pointed out arose with reference only to processions and that also was restricted to villages. Most of the municipal towns in South India today are only an aggregation of the old villages —simply a cluster of villages and the old prejudices

based on right-hand and left-hand still stick on. As pointed out already the Nagercoil Temple is a Jain temple and that village itself was colonised by Jains. But when along that village (which was one of the many which went to make the municipal town and gave the name itself to the town) a public procession was attempted to be taken, it was prevented from passing along the street as it is now come to be occupied by the caste Hindus.

Let us now trace what led to these factions, the origin of these factions and what bearing it has upon the present question of entry to temples, roads, wells and tanks, satrams &c.

CHAPTER XXXVII.

The Origin of the factions.

This faction-fight is, as already pointed out, peculiar to South India and as the Abbe Dubois says "this appears to be a modern invention, since it is not mentioned in any of the ancient books of the country." Mr. M. Sreenivasa Iyengar in his "Tamil Studies" in dealing with this subject says, that "the origin of this distinction is involved in obscurity." According to him the origin was mainly of a political and military nature.

"In Mysore it seems, Basava's teaching inculcating the abolition of all caste distinction brought about an aspiration in the minds of all castes to

become Brahmins. The high aspirations of certain low castes had provoked the *Brahmins* who out of jealousy and anger managed with the assistance of their Kings to class such men in the left-hand division so that there might crop up unceasing quarrels in almost all of which *they* were requested by the heads of respective faction to sit as judges for settling disputes.'

But the main trouble is to be sought in the fact that when temple-building activities began in the 10th and 11th century A. D. the artisan classes were composed entirely of Jains. I have already indicated how most of the temples in South India were Bhuddist or Jain Temples which came to be subsequently transformed into Hindu temples. "The imminent decay' of the Jaina power says Gustav Oppert, the eminent Orientalist of the Presidency College Madras, "opened a fair prospect to the Brahmins of which they were not slow to take advantage." When these Jain artisans came to be employed in the construction of Hindu temples and the making of Hindu Gods and Goddesses they aspired to and had to be given, a status different from that which they had occupied previously. That is why even though the Abbe Dubois says these artisans belong to the left-hand factions, these Jain artisans in Mysore and other places came to be ranked in the right-hand factions. That will also explain why the aspiration of the artisan classes to become Brahmins was resented by those who were already Brahmins and other high caste converts from Jainsim

to Hinduism. That is one cause of the trouble. Another is due to the recruitment of soldiers by the Kings in those days. Not a single day passed without incessant warfare as between the Chola and Pandya and Chera Kings and the soldiers came to be recruited from all classes. The soldiers of the Madura district in the Pandya Kingdom were drawn mainly from the Maravas, whereas the soldiers of the Chola Kings were drawn also from Nadars who were immigrants from Ceylon. In this recruitment business the caste of the recruit never counted. The best available material was always selected. With the disruption of these old Kingdoms, Chera, Chola and Pandya these disbanded soldiers drawn from all outcastes, and subcastes asserted their superior social status, which was resented by the older non-military caste-people. That is how partly this faction must have begun.

Now it is easy to see how, as became evident during the Kamudi temple case, Nadars were freely admitted into temples in the Chola District, while they were not admitted in the temples at Madura in Pandya Kingdom. This also will explain why the Maravas who happened to be the soldiers under the old Pandya Kings resented the privileges claimed by the Nadars who must have been taken as soldiers by the Chola Kings only. It must also be remembered at this stage that even though Nadars are immigrants from Ceylon, historically they were originally emigrants from South India to Ceylon. Therefore the riots which took place at the time of the Kamudi temple

case were merely the legacy left out of the old right and left hand factions.

It has to be remembered that in the social upheaval which went on subsequent to the 10th and 11th centuries. A. D. and as pointed out by the Abbe Dubois and Mr. Sreenivasa Iyengar, Brahmins and the higher caste Sudras viz. Vellalas (there being no Kashytrias and Vysias in South India) came to act as arbiters or judges in these faction fights and consequently their status was amply recognised by others. What is to be noticed is these superior castes must have acted as the creators of troubles between the right-hand and the left hand factions. That is the case even today and that was the case during the Sivakasi riots as was already pointed out.

Now it is easy to see that when each higher caste i. e. Brahmins and higher caste Sudras got control of the public tembles from the British Government subsequent to 1841, they remembered the old faction fights and set about making the law as regards temple-entry based upon that party system. That is why as Sadasiva Iyer J. pointed out in the Panakudi temple case, when one Vellala witness said that he would not touch another Vellala (who was also a witness) on account of pollution it was due to "aberration of caste and class prejudices." That is why it will be found that this distinction of admission to temples, roads, tanks, wells &c, will be varying from place to place. In Suchindram where a Satyagraha was carried on for road entry, conservancy

work had to be done in the streets surrounding the temple by a community known as Kuluvas who are considered by the Pariahs to be inferior to themselves. And it is to such streets that entry was denied to all untouchables and depressed classes.

This will show that the prohibition now made does not depend upon any principle of either religion or law, but purely upon social conveniences, and upon old memories of the right-hand and left-hand factions.

We have already shown how there can be no justification on religious grounds for prohibiting the entry of Harijans into the temple streets. We have slso found how there can be no justification on legal or social grounds and least of all on humanitarian grounds.

In this connection we have to remember those classic utterances of Lord Irwin on two different occasions, when he was the Viceroy of India. Once in Madras when he received an address from the depressed classes Lord Irwin said:— "The very term depressed classes provokes the thinking mind to enquire on every ground of justice and humanity what the justification may be for such debasement. Is there, I wonder a synonym in any other country for the term "depressed classes? I doubt it". The next is the reply given to the Muslim deputation headed by the late Moulana Muhammed Ali as regards the Sarada Act. "We Musalmans will never submit to such intolerant interferences with our sacred law and will

not hesitate to disobey any law robbing us of religious freedom and we are not deterred by sanctions of the Sarada Act.'

To which Lord Irwin replied as follows.—"There might be cases of purely religious and spiritual character, where civil legislature would naturally be unwilling to intervene, unless it were with the assent of a preponderance of opinion in the community concerned. But there were border line cases between sociology and religion. In matters of this kind it was impossible for the modern state to disinterest itself because it clearly bore upon social questions which must be of vital interest to it. But in dealing with it a civil legislature was dealing primarily in its civil aspects which must always remain its responsibility." Again he continued: "where the limits of civil society and religious organisations were coterminous, these difficulties did not arise, for each was the counterpart of the other in civil and religious spheres respectively but neither they (the deputationists) nor he (the Viceroy) could ignore their obligation as citizens in a civil society which was not composed only of members of the same religious profession."

Now a historical study of the law had disclosed that the differences which exist in these matters are not only barbarous in character but also arbitrary like usages governing infanticide and Sati in the old days and based upon no principles of either law, reason or religion. In this connection dealing mainly with the road-entry question the remarks of a learned

writer made in 1929 on the subject as regards the presumptions to be drawn in such cases are pertinent. 'There ought to be a legislative provision which prevents any person or body of persons claiming that any public street or road maintained out of public funds has become confined by exclusive use to one particular section or caste of the higher classes alone. A private person may construct a private road and keep it for his exclusive use or the use of himself and his castemen. If he happens to dedicate it to the public he can by express writing limit its use or declare that it is available only for certain classes but if he wants so to limit it, he must be asked to maintain that road himself. A road cannot be treated as both public and private. It cannot be public in the sense that the general public has to pay for it and private or semi-private in the sense that one class or higher castes alone can use it."

"When on the other hand a road whatever its origin is being maintained out of public funds there should be an irrebuttable presumption of law that it belongs to all members of the public from the highest to the lowest caste including outcastes and non-Hindus. No evidence should be allowed to be received to contradict the above presumption or to prove that though maintained out of public funds it is exclusively confined to high castes alone or certain castes which consider themselves high. Such claim to execlusive use is really a mischievous or selfish taking advantage of the fact that the higher castes wield influence or power and can look for

support of their exclusive claims from their co-caste men. If Christians or Mahomedans claimed the exclusive rights to use a public road which Hindus help to maintain, the claim could scarcely be tolerated."

From what has been stated till now it will become apparent that the whole trouble as regards temple-entry, road-entry, procession etc, is due entirely, viewed from a historical standpoint, to this faction. Students of European History will be familiar with the faction which existed at about this period in Italy known as the Ghuelfs and the Ghilbellines, that in England which sustained itself by the Wars of the Roses.

Here in South India, the social cleavage was based upon the entrance of strangers into the existing society and the conversion of Jains to Hinduism and other factors already indicated.

When the two large communities like the Nadars and Tiyas came from Ceylon to South India, naturthey would not have been admitted into the then existing society wherever it might be. That happened with every community which migrated from one place and settled down in another, in South India. The first thing which was said about it was, that it was a low class or caste; and classed with the left hand faction; secondly, all village privileges like entry into temples, roads, etc., came to be denied. It remained with the then rulers to ease the situation. I shall illustrate it from a typical example taken from Travancore History. We gather the following information from a pillar inscription.

"On the 1st Chittrai 661 M. E. (1486 A. D.)' writes the official historian "the crowned King of the Chera family by name Jayasimha Devar came on tour to Vatasseri in South Travancore. The Brahmins, the Pillamars (Vellalas) and the other superior sections of the community looked down upon the inhabitants of Parasuraman Peruntheru who earned their bread by dyeing clothes and who had come from distant lands and colonised the said Peruntheru. They further kept them aloof saying that they were of low origin and that they belonged to the left-hand caste of the community. They were subjected to further hardships by being prevented from paying their respects to the King except through themselves and that they should not worship the village Gods as the high class people did, that they should readily pay any kind of tax levied upon them and that, if any of these rules were infringed, they would be subjected to corporal punishment and forbiden from living in their own village or from using the village wells. This poor people took advantage of the Royal presence in their midst and prayed for redress of their grievances. The King Jayasimha Deva was pleased to grant them audience and after hearing them issued orders to the following effect:—

(1) That if they had any grievances to be redressed they might appear before the King and acquaint him of the same whenever he came in procession on his elephant;

(2) That they need pay no other tax than that for the maintenance of the navy, viz. Kappalvari and that of the army viz. Padaippanam;

(3) That the superior classes (including the right band castes) should not *interfere with their religious worship*, with the celebration of their festivals nor with the use of the necessary flags and appendages within certain limits exclusively set apart for their use;

(4). That no injustice should be done to them;

(5) That they should be allowed free use of the *public wells and tanks*;

(6) And that any interference on the part of the Brahmins, Pillamars and other superior sections of the Community with the affairs of the left-hand caste would meet with Royal displeasure and be punished accordingly."

Commenting upon this Royal proclamation the official historian of Travancore observes:—

"Needless to state that this humane order allowing full privileges to the people of low castes for using public wells and tanks and dispensing justice to them all impartially and prohibiting the Brahmins, Pillamars and other high castes from molesting them under pains and penalties, reflects great credit on the early sovereigns of Travancore who ruled five centuries before our time and shows in them possession of rare tact and talent for conciliating conflicting interests."

The trouble today is that the average lawyer is no historian and the average judge is as imaginative as a doorpost.

Therefore we have to search for our solution to the problem of temple-entry etc. in the old faction fight that existed between the right hand and the left hand communities. It was peculiar to South India; and it had nothing religious about it; it was a pure social cleavage. Today we are left with a legacy of it to deal with. What is wanting is merely a lack of that "rare tact and talent for conciliating conflicting interests," which was a cardinal virtue of our old rulers and without which they would not have ruled the country. And other factors, also, intervened as narrated earlier.

CHAPTER XXXVIII.

Lawyers: Hindu and Mahomedan.

This is my concluding chapter. I have indicated already how the whole trouble arose in South India. The Hindu lawyer is at the bottom of it. There was absolutely no trouble of any kind till these public temples passed from the control of the British Government to that of the caste Hindus.

In 1863, the British Government divested itself completely of its control over not only Hindu temples but Mahomedan mosques and transferred them to the "creeds" or "religions" of Hindus and Maho-

medans respectively; and not to any caste or sub-caste or outcaste or sect or division among the followers of the two religions.

At any rate, when these mosques reached the control of Mahomedans, they interpreted the Mahomedan ecclesiastical law in such a way that every Hindu lawyer must hang down his head in shame.

All credit goes to Mahmood J. of the Allahabad High Court—who is deservedly well known throughout the legal world as a great jurist—and who had to fight single handed at one time for the particular position which came to find favour not only with that court but throughout the country.

"For the purposes of this case" said Justice Mahmood (it was a case where the question was as to which particular sect among Mahomedans can use the Mosque there) "it is not necessary for me to consider the exact definition of the word Muhammadan. But I said enough in Queen Empress V. Ramzan, to show that so long as a mosque is a mosque, that so long as the plaintiffs are persons who *call* themselves Muhammadans entitled to worship, there is absolutely no authority to say that any sect or any creed or any portion of the community can restrain others, who claim to have the right which, to use the language of Muhammedan Law, God and his Prophet gave them, from putting such right into excercise." (Italics is mine)

The learned Chief Justice, Sir John Edge, who wrote the leading judgment in the above case delivered himself thus:—

"This suit was instituted in order to determine whether the plaintiffs were or were not entitled to perform their devotions in the mosque at Jalalipura in Benares according to their view of the ritual. The defendants contended that the plaintiffs were not Muhammadans, strictly speaking, and that they essentially differed from the followers of the school of Imam Abu Hanafi, that they the defendants, were entitled to exclude the plaintiffs from the mosque in question. The learned Subordinate Judge of Benares tried the suit. *He came to the conclusion that the plaintiffs were Muhammedans and as Muhammedans they were entitled to the mosque in question for devotional purposes.* On appeal the learned District Judge of Benares, although finding the plaintiffs were Sunni Muhammedans, dismissed their suit mainly on two grounds, one being that the mosque in questisn had been, as found by him, used exclusively by the school of Muhammadans who followed Imam Hanafi. The other ground being that the plaintiffs, although Sunnies, were by reason of some peculiarity in their tenets, not strictly in his opinion the followers of any one of the four Imams. It appears to me that the case raises two questions, the first being whether a mosque which is dedicated to God can be limited in its dedication to any particular school or sect of the Sunni persuasion of the Muhammadans. The second question being whether it is shown here that the plaintiffs are not in fact Muhammadans of the Sunni persuasion, although they may have some peculiar views as to the ritual. That they are believers in one God and believe

that Muhammad is his prophet, there is no question."

The learned Chief Justice held in the following passages which have become classic, that:—

"Now as to the first question, no authority has been brought to our notice to show that a mosque which has been dedicated to God can be appropriated exclusively to or by any particular sect or denomination of Sunni Mahommedans and without very strong authority for such a proposition, I for one, could not find as a matter of law that there could be any such exclusive appropriation. As I understand, a mosque to be a mosque at all must be a building dedicated to God, and not a building dedicated to God, with a reservation, that it should be used *only by particular persons holding particular views of the ritual*. As I understand it, a mosque is a place where all Muhammedans are entitled to go and perform their devotions as of right, according to their conscience."

Following this famous decision, another Muslim judge of the Lahore High Court, Abdul Raoof J. observes:—

"According to Muhammadan Law any place which is dedicated for the purposes of prayer may validly be treated as a mosque (in this case, it was a house) and it is not necessary that the building should have a minaret. The second ground urged in relation to this plea is that as the Wakif limited the use of the Wakf property to a particular sect, the Wakf

according to the rules of the Muhammadan Law was invalid. No doubt there are provisions in the two deeds which go to show that it was the wish of the wakif that only the Ahl-i-Quran should perform their prayers in the house. The Wakf, however, was made according to the rules of Muhammadan law. It was dedicated to God and according to the notion of the Muhammedan law it must be treated as having become the property of God. *No doubt he clearly stated in the Wakfnama that he had made this wakf exclusively for the use of the particluar sect to which he belonged.* The wakf, however will remain good and the condition attached to it will be void."

Coming to the Hindu temples, at about the same time (1890) when Muhammadan lawyers were succeeding in establishing that the mosques were open to all Muhammedans for worship and basing it upon Muhammadan Ecclesiastical law, the Hindu lawyer in Madras as seen illustrated by Justice Muthuswamy Iyer's judgment in 13 Madras 293 was for excluding Hindus from worshipping in the temples, such exclusion being based not upon Hindu Ecclesiastical Law prevalent in South India i. e., the Agamas (which were totally ignored though the question was raised) but upon English canon law and the analogy of a "Church of Scotland" case and the English law of trusts. A Hindu cannot enter a temple for worship because he happened to marry a widow—though there is no such prohibition in the Agamas.

Next in the Kamudi temple case, one time manufacture of toddy and liquor was founded as being the basis for exclusion even though the Agamas laid down no such thing.

Next we saw how manufacture of oil was a ground of exclusion; and in the same case, the dictum was laid down that, "Prima facie, all the four castes can enter the temple" which was used by a learned Madras lawyer as the text for preaching the cosmopolitan character of Hindu temples.

Development of Law, in the hands of the Madras Lawyer, reached the stage at which millions of Hindus came to be excluded from the temples and worship therein, so much so that only the upper class caste Hindus came to have entry.

I have already shown how when the control of these public temples by the British passed into the hands of the Hindus it slowly meant the aggrandisement of the Brahmin and the caste Hindu and the exclusion of millions of noncaste Hindus by the caste Hindus.

At one time, the Brahmin lawyer was in a hole and if any one helped him out of it, thanks are mainly due to a Muhammadan Judge.

"The sole question for determination is," observed Abdur Rahim J. "whether the suit in which it has arisen and which was instituted under sec. 92 of the Code of Civil Proceedure with respect to a temple in North Malabar is maintainable, the point being whether Mr. T. R. Ramachandra Iyer, one of the

plaintiffs has an interest within the meaning of that section in the temple concerned. Mr. T. R. Ramachandra Aiyar who is a leading practitioner of this Court and a Brahmin, resides in Madras while the temple s situate in Tellichery. It is an ancient temple of some celebrity and is dedicated to the deity of Sri Rama. Mr. T. R. Ramachandra Aiyar is a member of the Dharma Rakshana Sabah among whose objects is included institution of suits for the protection and due application of Hindu religious endowments. It also appears that when on one or two occasions in the excercise of his profession he went to Tellichery he attended this temple and worshipped there and it was further stated that he was likely to do so if he again went to Tellichery. But the interest of Mr. T. R. Ramachandra Iyer in this temple within the meaning of the code is not supported on any of these facts but on his right as a Hindu to perform worship therein."

"The plaintiff in question Mr. T. R. Ramachandra Iyer" observed Wallis C. J. in the same case (reported in 1919 Madras Weekly Notes 370) "one of the senior and leading practitioners of this court, resides in Madras and is Vice-President of a Sabha or association which specially concerns itself with temple affairs in Southern India. It has not been contended before us that this circumstance gives him the requisite interest nor has it been seriously argued that the fact that in the practice of his profession he has on two or three occasions visited Tellichery and has then worshipped at the suit temple and may pos-

sibly do so again, is enough to distinguish his position in this respect from that of the rest of the Hindu Community, throughout the length and breadth of India. The broad proposition contended for by Mr. Ganapathy Aiyer for the appellants is that every Hindu temple must be *presumed*, according to the decision in Gopala Muppanar V. Subramonia Iyer (the Panakudy temple case) *to be dedicated for the use of all Hindus of whom there were 270¼ millions in British India at the last census to say nothing of the additional millions in Native States.* Each of these individuals has therefore an interest in the trusts of every Hindu temple, in India within the meaning of section 92, Civil Proceedure Code. Incidentally he argued that the position of Muhamedans as regards the mosque is the same, as the ownership of the mosque is regarded as vested in the deity and every Muhomedan has a right to worship at every mosque. Gopala Moopanar, V. Subramonia Iyer merely decides that every Hindu resorting to a Hindu temple has presumably the right to worship there. This does not seem to me to warrant an inference that the temple must be considered as dedicated to the use of all Hindus whether they resort to it or not." In this view of the Chief Justice, which was shared by Oldfield and Coutts Trotter J. J. (Abdul Rahim J. dissenting) the Letters Patent Appeal of Mr. T. R. Ramachandra Iyer was dismissed.

Before we go to the observations of Justice Abdur Rahim, let us take note of the following facts:—

(1) The Dharma Rakshana Sabha of Madras has among its objects the "institution of suits for

the protection and due application of Hindu religious endowments" and is a "Sabha or association which speacially concerns itself with temple affairs in Southern India." Such suits are known as "Scheme" suits, undertaken with the sanction of the Advogate-General in British India by any two persons "interested" in the public religious endowment. Mr. T. R. Ramachandra Aiyar, seems to have been the Vice President, of the Sabha at this time; and the writer remembers that the late Sir. S. Subramonia Iyer. was some time President, Mr. P. R. Gananapathy Iyer a learned author on "Religious endowmenis" and the vakil who appeard for Mr. Ramachandra Iyer was also Secretary of the above Sabha. Sanction for such suits has to be given by the Advocate-general. All the Advocates-general have hitherto been Brahmins only and almost all judicial offices high and low have been held till very recently by Brahmins. The Sabha itself is in Mylapore the Brahmin Head quarter in Madras; and in so far as the writer is aware of, it is doubtful whether the Sabha has any prominent Non-Brahmin Hindu on its rolls, if at all.

Let us see what was the result of the activities of this organisation for the "institution of suits" which was the primary object of the Sabha.

A distinguished Hindu lawyer, who was a Tagore Law Lecturer, puts it, in general, thus:—(in 1922).

"The Smartha aspiration to turn the income of the Saivite temples to their best account was realised substantially in recent scheme suits against many a big temple of this Province. All the scheme suits

have been favourable to the plaintiffs therein and in almost all the schemes settled the Smartha has come in for the lion's share of its benefit. Mere alien worshippers as they are, it is not difficult, to see what interested them in the affairs of the temple more than the members of the religion to which the temple belongs. The realisation of their object is visible in the application of the increasing surplus of a Saivite Temple like Rameswaram which was till lately under the control of a Saivite Pandarasannadhi according to immemorial usage) not at all for the proper religious instruction of the temple priests or Saivite worshippers thereof, but to Sanskrit education little useful to the temple, exclusively in the interests of Smartha and Vaishuavite Brahmins. This looks just as if a set of cunning Christians were to take away and appropriate the surplus income of a mosque for imparting education in the principles of Christianity to their clergymen"

In another place the same writer observes:—"As a well organised intellectual body the Smartha Brahmins best know how to make the most of their chances in the temples and convert them into Smritic institutions.—Within living memory almost all Saivite temples were wholly in the hands of Saivite gentlemen and Saiva Madathipathies, but the face of affairs has been wholly changed by the Smarthas coming into power taking an undue advantage of popular indifference to religion."

It has been already noticed how Varnashrama Dharma is entirely antagonistic to the Agamas; but

the latter are quoted in season and out of season by Varnashramites—one of whose leaders is the learned plaintiff in this case

The next point to be noticed in this case is the argument advanced by Mr. P. R. Ganapathy Iyer (the talented author of "Religious Endowments" a book treated and quoted with respect) on behalf of his client Mr. T. R. Ramachandra Iyer.

The argument was two-fold and it would not be a far-fetched inference if we were to treat the argument as the argument of Mr. T. R. Ramachandra Iyer himself, even though his advocate, was nominally there. But it makes no difference to the point which we are going to make.

First it was argued on behalf of Mr. T. R. Ramachandra Aiyar who represented the Dharma Rakshana Sabha of Madras, the "protector of Hindu temples in South India", that every Hindu temple was open for worship to every one of the 270 and odd millions of Hindus in British India according to the Census of 1911. Among these 270 and odd million Hindus are included the so-called untouchables—who number between 40 and 60 millions. Nobody will assert that these 270 million Hindus are all caste Hindus. All the Hindus who were called Hindus in the Census of 1911, have come within the 270 and odd millions. The position taken up by Mr. Ramachandra Iyer himself as pointed out by the learned Chief Justice, was in no way different from the rest of the Hindu Community numbering

270 millions. The position advanced by the learned Varnashramite leader to enter Hindu temple for worship was exactly the position of any untouchable Hindu to enter a temple for purposes of worship.

And this argument of Mr. T. R. Ramachandra Iyer was convincing enough and the learned Chief Justice also accepted it, viz., that "every Hindu (including every untouchable in British India) resorting to a Hindu temple has presumably the right to worship there."

Both the argument as well as the acceptance of it was based upon the decision in Gopala Moopanar V. Subramonia Aiyer (reported in 1914 Madras Weekly Notes Page 822)

It may be noticed, in passing, that the above case was dealing with the case of Ilavaniars. "But there can be no doubt that Ilavanians are at least Sudras" said Sadasiva Iyer J. He further quoted texts to show "that castes yet lower in scale (than Sudras) should content themselves with the sight of the Gopuram." In one place, he gave his opinion that "even out-castes were not wholly left out of the benefits of temple worship, their mode of worship however being made subject to severe restrictions as they could not pass beyond the Dwajastambam (and sometimes not beyond the temple outer gate) and they could not have a sight of the images other than the procession images brought out at the time of festivals."

Even among the rambling statements made by the learned Judge in that case, the highest to which

he gave expression came to these. "Each of the principal castes can rely upon its prima facie right to enter a temple" "It seems to me that provided he proves that he has the status of one of the main castes (or it may be an intermediate Anuloma status between two of the main castes) it would be for those who wish to exclude him from the usual position in the temple assigned to a man of his caste status by the Agamas to prove that by the special custom of that temple, even a person of that caste status is excluded". "Speaking for myself, if I were not bound by authority, I should like to hold that a custom which prohibits one who belongs to a community which is not lower than a Sudra caste from going beyond the Dwajastambam is an unreasonable custom and ought not to be recognised. But as even such unreasonable customs provided they are not grossly immoral have been held to override the law and Shastras if fully established by evidence I think I am bound to follow such rulings:"

All these would go to show, that this decision mainly dealt with the four castes according to the Aryan system. And upon this decision, particularly, was the inference of Mr. P. R. Ganapathy Aiyar in his book on "Religious endowments" based viz., "Prima Facie all Hindus belonging to the four castes without exception are entitled as of right to worship in Hindu temples." And it is this also, which led the same author to observe in ecstacy "temples of Hindus, are like their religion more cosmopolitan" (than Christian Churches.)

But even this concession made to the four castes especially Sudras, by the Madras lawyers did not fail to draw the condemnation of Hindu lawyers from North India—as being revolutionary.

"There are writers and judges who are of opinion that Hindu temples are public and all Hindus are entitled to worship in them" comments Mr. J. G. Ghosh in his Tagore Law Lecture, upon this cosmopolitan view of Mr. P. R. Ganapathy Iyer.

"The strictness of the ancient law was modified in the course of time and certain Sudras, who were considered clean and either indispensable as domestic servants or because they were wealthy, were given certain rights to worship the Aryan Gods from a distance regulated according to their rank."

"This pitiful scramble to attain to a higher caste and to be classed among Aryans and to worship their Gods has characterised all non-Aryan races in India from the most ancient times. Many Sudras have been given a position very nearly equal to that of the Vaisyas. *But till the British came here all Sudras and Antajas were content with their degraded position.* They (the Sudras) had and even now have their own Gods and Goddesses and temples. Now things have changed and every race aspires to be classed as Aryan and the lowest have assumed the position of Brahmins. It is useless to discuss this ignoble strife among races. It should be clearly understood" warns the great Bengalee lawyer, "that the Gods and temples of the Aryan races are their exclusive Gods and temples and other castes have no

right to worship them, except when some of them have been allowed by the Aryan races from remote times to do so. It is not necessary for all races to worship the Aryan Gods. Everyone can worship the supreme Being and no one should hanker after worshipping exclusive and peculiar Gods of other races who would not allow them to worship their Gods.' Humour does not seem to be an asset with this famous Hindu lawyer.

To come back to the Panakudy Temple case, it did not decide and it could not, by any stretch of imagination be inferred from it, that every Hindu temple must be presumed to be dedicated for the use of all Hindus of whom there were 270 millions— "touchables and untouchables, castes and outcastes."

But that was how it was argued for Mr. T. R. Ramachandra Aiyer, representing the Dharma Rakshana Sabha of Madras and that was how the learned Chief Justice was led—or misled—into accepting it. Can Mr. T. R. Ramachandra Aiyer or Mr. P. R. Ganapathy Iyer of the above Sabha, get out of that position taken in that case except on the hypothesis that the learned Chief Justice misunderstood or was led to misunderstand the whole thing and that it was merely a clever piece of advocacy.

The second position taken by or for Mr. T. R. Ramachandra Iyer was that every Hindu temple was like a mosque and therefore every Hindu had the right of entering the temOle for worship as every Mahomedan has to a mosque. This latter position was accepted by Justice Abdur Rahim who stated

that "Every Hindu has a legal right to worship in a temple as every Muhammedan has to say his prayers in a Mosque. As the dedication of a mosque is to God so also a temple is dedicated to a particular deity and the devotees of the deity have a right to worship there."

To put it more clearly, what Mr. T. R. Ramachandra Aiyer argued was, adapting the words of Sir John Edge, that "a temple is a place where all Hindus are entitled to go and perform their devotions as of right, according to their conscience."

That, as stated by the present writer in the very opening, is the correct legal position and enunciates very sound law.

The Hindu lawyer of Madras is neither a Hindu nor a lawyer and more so, when he is a Varnashramite or Sanatanist. "Leo X would have been a perfect Pope" commented Sarpi "had he been able to combine, with his many fine qualities, some interest in the affairs of religion."

The difference in the treatment of Hindu temples and Muhammedan mosques by their respective lawyers has resulted in the decay and downfall of Hinduism and has led to the glory of Muhammadanism.

As Achary Sir P. C. Ray put it "Hinduism is only tolerant and catholic in mere empty words. In actual life, it is rigid cruel and repulsive. Hinduism kicks away the fellows of its fold; whereas Christianity and Mahommedanism embrace all that happen to be and join their fold. If a low caste man becomes a

Mahomedan he is looked upon as equal to any other Mahomedan and he can walk side by side with a Nawab in the Mosque. But what about a Brahmin? If a Panchama chances to pass by and his shadow falls on the ground, the Brahmin who walks that way pours water on the ground where the shadow of the Panchama fell and then walks."

One can only exclaim, along with Charles Dickens, "God said, Let there be Light !
—And there was Darkness !"

APPENDIX A

The Patronage of Heathenism —Lord Bentick's Reforms.

'According to its professed policy the company represented the principle of the strictest religious neutrality It piqued itself not a little thereupon and was never tired of calling attention to this excellent and only suitable 'traditional' policy. But from the beginning of the nineteenth century we can trace a most lamentable departure from the principle, a departure which became more serious as every decade passed by and which led the company on the one hand into an unbounded favouritism towards the native religions and on the other into an unjust slight of Christianity. The most scandalous form under which this 'universal support' of Indian idolatry made its appearance was the pilgrim-tax. When the English took possession of Orissa in 1803 the dusky blue god the Puri Jagganath (Lord of the world') declared his wish—bribery of the temple Brahmans was successful in making the oracle speak–to be taken henceforth under the protection of the English. The company accepted most readily the patronage of the famous shrine and the extensive lands which appertained thereto. Soon orders arrived from London to reimpose and levy on behalf of the company the pilgrim-tax formerly imposed by the Muhammedans when they were rulers of the land. Marquis Wellesley at that time Governer-General refused to execute this order but in 1806 his weak-minded successor Barlow

placed all the temple property at Puri under British management and levied the pilgr'm-taxes relentlessly. The government undertook in return to maintain the temple buildings, to pay the priests and to provide for the regular celebration of the temple worship. They made a good thing out of it, for in the first year their net profits amounted to over 135,000 rupees. But how were missionaries to reply to the reproaches of the heathen, when the latter asked "if Jagganath be nothing, why does the company receive so many rupees from him?" or "If your religion were true your Government would support it, but it does not do, on the other hand it supports our idols". Gaya in Behar, a spot far-famed since the days of Buddha, and one which since the Brahminical restoration had become almost as famous a shrine for the Hindus as for the Buddhists, offered a new source of income. Pilgrim-taxes were likewise instituted there and levied with the same painful regularity. Here the company had the satisfaction of seeing a marked increase in the number of pilgrims directly the English pilgrim taxes were introduced; from 21000 it rose to 100,000 and the profit in good years rose to between 2,50,000 and 3,00,000 rupees. The flattering success of the taxes at these two famous shrines induced the company to introduce this heathen poll tax at yet other shrines and temples at Allahabad, at Tirupati in the Telugu country, at Kashipur, Sarkara, Sambol Hawa, and other places. The net takings of these pilgrim taxes amounted on the average to £ 75,000 and upwards per annnm. To understand, but not to excuse, these proceedings we must remem-

ber that the English masters of the country now found themselves in a peculiar and difficult position. They had annexed one state after another and had undertaken, besides the mere government also the duties which had devolved upon their predecessors. Of these the management af the temples and of the temple property was one. Of course, a way could have been found out of the difficulty had there been any desire for it, but the will was lacking, especially in view of the great profits which were realised in this way.

Soon they went farther and began openly to support the heathen temples. In Conjeevaram, to the southwest of Madras, the famous temple of Siva, one of the most beautiful structures in the Tamil country, had fallen into decay and the temple Brahmans either could not or would not repair it. Thereupon, Place, an English official, induced the company to restore the temple at no small cost,' in order to incite the natives to the excercise of virtue". And the Christian(!) official himself offered a sacrifice to the temple and to its God which for years afterwards was preserved and exhibited as a curiosity. When once a begining had been made and the Government had openly declared itself a patron of idol-worship, there was no stopping its further progress in this direction. Civil and military officials were compelled to honor heathen and Muhammedan festivals with their presence and even in many cases to present the sacrificial gifts of the Government to the Brahmans. On the occasion of the festive processions,

the idols were greeted with a "royal salvo" of cannon In times of drought the Government appointed and paid Brahmans to pray for rain. When the clumsy idol cars were brought out, thousands of pilgrims were driven by main force into harness to drag them along like brute beasts. For, rebuilding, restoration and other work in connection with temples, tens of thousands of rupees were disbursed, and the very gastronomical necessities of the Brahmans were not forgotten. Even pagan festivals which had dropped into oblivion were revived and all sense of shame was lost. The management of the property of one temple after another was taken over by the company; its officials were then responsible for everything; the construction of new idol cars, new idols, the appointment and remuneration of the Brahmans, painters, musicians rice-boilers and watchmen and that their cup might be full even the temple *filles-de-joie*, the Nautch girls received their pay from English officials. At one time in 1858, long after the fight against this entire system had been commenced, 8292, idols and temples in the Madras Presidency received annually 8,76,780, rupees; in the Bombay Presidency 26,589 temples and idols received 698593 rupees and in the total area of the company's jurisdiction 17,15,586 were annually spent in the support of idolatry.

[*Foot note.* "How this countenancing of Hinduism was looked on in missionary circles is shown by an assertion made by the then President-General of the Basle-Missionary Society. "Idol worship in India was on the down grade. Many temples were

openly falling into decay, the temple, treasures were squandered by covetous Brahmans, and the entire idol system had no strength to raise itself up again. Its dissolution seemed impending. Then came the Government and rebuilt the temples, took over the temple property and saw to it that idol festivals and processions were celebrated with their pristine splendour. The whole structure of Hinduism put on a new dignity and new prestige, so that in the eyes of the people it appeared to be as it were born again. Therefore the number of pilgrims, inspite of high pilgrim taxes, increased at famous shrines to an unbelievable extent; the Brahmans came to be regarded as Government officials and the natives were convinced that, betwixt the Hindu religion and that of the Government, no difference at all existed. A powerful instrnment of proof was thus placed in the hands of the Brahmans themselves, enabling them to justify their false religion in the eyes of the deluded populace." (Basle Mission Magazine, 1858 page 346]

At Madras on New Year's Day, at the Pongal festival when the Hindu worships, the tools by means of which he gains a livelihood, the account books and official documents in the Government Offices as well as the writing desks, ink pots and pen holders, were solomnly worshipped by order of Government who also paid for the whole being carried out with an elaborate ceremonial. In many cases private individuals went even further, they erected temples to heathen deities and endowed them. With special

frequency did this happen in the case of those who had heathen mistresses, to please whom shrines were often erected within their own grounds.

From a Company which so continually identified itself with Hinduism in the most obvious and delibrate way little else was to be expected than that the spread of Christianity would inconvenience it and that it should oppose Christianity by all means in its power. No Christians were allowed in the ranks of its Hindu officials; it would accept any and every Muhammedan or Hindu but a native Christian was a despicable creature to be looked on with the gravest suspicion. When in 1876 British rule was established in the newly-annexed province of Mysore, Christians were expressly debarred from the courts of justice to which under native rule they had enjoyed an unquestioned right of access.

The Christians were made to realise that under all circumstances and at all times they were in no wise to count on any favour from the Government.

The first man who had the courage and ability to initiate a more sensible regime in India was the Governor-General Lord William Bentinck (1828-1835) With him India's days of reform began.... Lord Bentinck forbade Sutee and threatened to subject to the penalty of death all those who were in any way connected with it.

By this action he struck at the very root of Hinduism. The Court of Directors in London trembled when it heard of this measure so diametrically op-

posed to the policy hitherto pursued by the Company. Old Indian civil servants conjured the Governor-General to repeal the Act; but he stood firm and India remained quiet. Bentinck was also the first who dared to do away even in part with the injustice caused by the systematic slighting of Christians. First, in 1832, he issued the decree for the province of Bengal alone that in the eyes of the British justice every subject of whatsoever caste or creed, was equal and that no one was to be deprived of his citizenship or his birth-right should he embrace another creed, Christianity included. All these reforms were carried out without difficulty, and although they attacked long existent deeply-rooted prejudices of the Hindus, they were followed neither by general discontent, mutiny nor insurrection. This gave encourgement to the men in England and in India who from Christian and philanthropic motives disapproved of the "Traditional" policy of the Company. As the representative of this section Lord Glenelg, a son of Charles Grant and a true chip of the old block, determined in the year 1833 to commit himself to a downright and decisive course of action and to strike at the very roots of the company's connection with Indian idolatry. He enacted a law the seven clauses of which read as follows:—

It is hereby decreed:—

"*First*, that the interference of the British functionaries in the interior management of native temples, in the customs, habits and religious proceedings of their priests and attendants, in the

arrangement of their ceremonies, rites or festivals and generaly in the conduct of their interior econcmy shall cease.

"*Secondly*, that the pilgrim-tax shall be everywhere abolished.

"*Thirdly*, that fines and offerings shall no longer be considered as sources of revenue by the British Government and they shall consequently no longer be collected or received by the servants of the East India Company.

"*Fourthly*, that no servant of the East India Company shall hereafter be engaged in the collection or management or custodies of monies in the nature of fines or offerings under whatsoever name they may be known or in whatever manner obtained or whether furnished in cash or kind.

"*Fifthly*, that no servant of the East India Company shall hereafter devise any emolument resulting from the above-mentioned or similar sources.

"*Sixthly*, that in all matters relating to the temples their worship, their festivals, their religious practices, their ceremonial observances, our native subjects shall be left entirely to themselves.

"*Seventhly*, That in every case in which it had been found necessary to form and keep up a police force specially with a view to the peace and security of the pilgrims or the worshippers, such police shall hereafter be maintained and made available out of the General revenues of the country".

According to the customary form of procedure, this Bill of Lord Glenelg's had to be submitted for approval to the Directors of the Board of Control and to the Court of Directors. Both were practically unanimous in refusing it as unworkable. But Glenelg pointed out to them that, since he had the right to send out such a law to India without their approbation, it would be in no wise conducive to their prestige should he enact it against their wishes. The Directors were compelled to submit and the law was despatched to India, only to cause grave shakings of the head there amongst all the exponents of the policy which had hitherto prevailed. None of the provincial Governments had either the desire or the courage even to put it into effect. Three years went by and the law seemed buried and forgotten. When in 1836 an important deputation headed by Bishop Corrie reminded the Governer of Madras of its existence and begged that it might at last be enforced, the latter rudely replied: "The Governer perceives with regret that the Bishop, far from fulfilling the duties of his calling, one of which was surely the controlling of immoderate zeal generated by heated passions, was on the contrary busying himself with matters which were only calculated to endanger the peace and quietitude of the country." It had in the meantime become clear to the Court of Directors in England that Glenelg's Law was going to make a yearly difference to their income of £ 30,000 to such a sum did their takings from Indian idol worship amount; and they loudly proclaimed that such a sum was "too

high a price for them to be willing to pay for falling in with the behests of Exeter Hall Spouters."

A new dispatch was sent to India which practically repealed this law of 1833, and which made the earlier laws if possible more binding and the favouring of idoltary even more definite. But overreaching may go too far. In consequenee of this repeal a much respected Anglow-Indian Judge, Nelson, resigned his office. And when under the commander-in-chief of Sir Peregrino Maitland, a Christian drummer in the Madras Army was about to be punished because he had refused to beat his drum in honour of an idol procession, the upright Maitland preferred to lay down his command rather than take part in this coquetry with heathenism.

The resignations of Nelson and Maitland gave rise to intense excitement in England and the indignation of the whole country compelled the Court of Directors, in 1840, to recognise the main lines of Glenelg's Law of 1833. The official connection with idol-worship was gradually broken off; the pilgrim-taxes ceased; the temples were restored to the Brahmans; the presence of British Officers at heathen festivals was no longer demanded. It was a long time before this radical change was accomplished; the company had taken over far too many temple-lands and had administered far too many temple treasuries and it was unpleasant and irritating to relinguish these fat morsels. Even at the time of the Mutiny in 1857, when the administration was taken over by the British Government, many shrines and temples

were still dependent on the company. But in any case a new era had dawned and in this one point, at any rate, the older policy was radically flung aside. In 1862 the last temple and mosque in British hands were, through a further law, made over to Hindu and Muhammedan corporations.

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